G. R. S. IX-5]

Previous references. 1888

191

(police)

Later references.

File No. 9 of 88

Serial Nos. 1-17

252

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-17

Part B for

SUBJECT.

Cession of the Criminal, Civil and Police jurisdiction of the Jmy State Railway.—

Notice 9-58 Lapse. (1)

~~Letter from the~~ Secretary of State ~~for India~~ Despatch No 206, Financial, dated London, 22nd May 1879.

See Book Post, 1881 Page 8

I have had under my consideration in Council your Excellency's letter dated the 17th of January No 3 (Foreign) soliciting my approval to your providing for the construction of a railway from Bangalore to Mysore, either by permitting the Chief Commissioner to postpone repayment of the Famine loan to the Mysore State, or, if necessary, by advancing fresh funds on the same terms.

5. I do not consider that it would be proper, considering the restrictions which it has become necessary to impose on the prosecution of public works of utility in British India, that further advances should be made from your treasury

for the construction of a rail
in a native State; but bea
in mind the circumstances in
which Mysore is placed and having
regard to the very strong recom-
-mendation made by your Excellency,
I am willing to consent to the con-
-struction of the line from the
surplus revenues of the State, the
repayment of the loan being tem-
-porarily deferred provided, however,
that interest at 5 per cent be
regularly paid to your Govern-
-ment on the whole amount lent.

From Supt Letter to the Secretary of State
for India No 26, Political, Fort Willm
the 30 March 1880.

Page Book
Mysore 1881
No 1 page
131.

× × × ×
× × × ×
15— × × × × ×
× × × × ×

In regard to railways and telegraphs
in Mysore, we have reserved power
to retain the working of them in our
own hands, and to assume jurisdiction over railway lands as
has been done in almost all the
other States of India. Nevertheless
there is as yet no reason why the
internal branches of telegraph
lines which may hereafter be con-
structed should not be entrusted to the
working of the State officials. And
although the Maharajah will bind
himself to make over free of cost
any land required for a British
Railway, the transfer of plenary

jurisdiction in such land is
kept for future examination
granted by administrative convenien

Letter from the Secretary to the Chief Commissioner of Mysore to the Secretary to the Government of India Foreign Department. No C 2 dated Calcutta 17th December 1880.

I am directed by the Chief Commissioner to acknowledge the receipt of your letter No 872 I.P. dated the 25th October 1880 and to reply to the several points therein referred for report from the Chief Commissioner

× × × ×

26. The jurisdiction and management of the Mysore State Railway may best be left in the hands of the Native Government. It is purely a local railway and would require Considerable extensions in future. The Native State may be left to arrange for these, taking Counsel with the Resident in regard to any loans or other financial arrangements for Construction. It

will be necessary, however, to obtain
from the Mysore State a formal assign-
-ment of jurisdiction over the lands
occupied by the Madras Railway.
Such jurisdiction may conveniently
be exercised by the Officers appointed
to administer the Bangalore Cantonme

Letter from the Secretary to the Government of India Foreign Dept to the Chief Commissioner of Mysore No 92. I.P. dated Fort William 24th January 1881.

I am directed to communicate to you the orders of the Government of India on your Secretary's letter No C2 dated 17th December in which expression is given to your opinion on certain points connected with the approaching transfer of Mysore to the Maharaja.

× × × ×

10 The Government of India concur in your views regarding the jurisdiction and management of the Mysore State Railway. With reference however to your remarks regarding loans and financial arrangements for Railway construction it may be worth while to make the Maharaja's Government

acquainted

acquainted with the law [37 George III chap 142 Sec: 28] under which loans cannot, in certain cases, be negotiated without the Consent of the Secretary of State or the Governor General in Council.

Extract from the Instrument of transfer dated 25th March 182

15. If the British Government at any time desires to construct or work, by itself or otherwise, a rail-way in the said territories, the Maharajah of Mysore shall grant free of all charge such land as may be required for that purpose, and shall transfer to the Governor General in Council plenary juris-diction within such land; and no duty or tax whatever shall be levied on through traffic carried by such railway which may not break bulk in the said territories.

Extract from D. O. letter, dated Fern Hill, Ootacammund 22d. April 1881, from Mr. J. D. Gordon, Chief Commissioner in Mysore to Mr. C. Rangacharlu.

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* * * * * *

* * * * *

I must write also to the Government of India to ascertain precisely what is to be the position of the Mysore State Railway, and whether, in regard to Inspection, it is to be placed under any Consulting Engineer of the Government of India. I have already obtained the approval of the Government of India to the jurisdiction and management remaining with the Mysore State: but I daresay the Foreign Department has not communicated this to the Railway Dept.; and hence the somewhat inconsistent recent references. I conclude the Government of India will require an adherence to the general principles of construction &c laid down for Railway elsewhere in India, and to secure this

may wish for some arrangement for
Inspection by an Imperial Officer.
I have asked Major Le Messurier
to speak to you on the subject, and to
let me hear from him as to any sug-
-gestions he may have to offer.

Letter from the Assistant to the Resi-
to the Secretary to the Government of Mysor
Public works Department and Railway,
Dated Bangalore the 7th March 1889.

I am directed to acknowledge
the receipt of your letters marginally noted
and to communicate, by the Resident's
desire, the following remarks in regard
to the questions therein raised.

No 1346 dated 240 2nd April/88
1343 dated 2nd 239 April/88
1608 dated 9th 275 April 1888

× × × ×

6. In regard to Police, the Government
of India desire for the present that
the existing provisional arrangement
may remain in force.

Letter from the Dewan to the Resident in Mysore Dated Bangalore 11th September 1889.

Owing to Complaints of inconvenience on local Affairs, I have as a temporary measure made certain arrangements regarding Police and Magisterial work on the State Railway line, and I beg to enclose for your information the following papers on the Subject:—

1. Extract from my Demi-official letter to Mr Meikleyohn, District Magistrate of Kadur dated 13th August 1889.

2. Notification under Sections 7 and 30 of the Criminal Procedure Code dated 11th September 1889.

3. Order deputing Mr Clerk, 1st Class magistrate for the disposal of Magisterial Cases

Cas , dated 11th September 1889.

These arrangements are avowedly temporary and liable to alteration when the question of Railway jurisdiction is finally decided, but I believe they will give Satisfaction for the time being.

Enclosure (Enc-A)

Extract of a Demi-official letter from the Diwan to Mr Merklejohn dated 13th August 1889.

× × ×

As a tentative and temporary arrangement. I propose as follows:—

1st Mr Hamlin to be appointed as Acting Police Assistant Commissioner and have immediate charge of the Police on the Railway from Mysore to Haribar— Mr Ricketts will arrange details.

2nd Mr F.B. Clerk Assistant Commissioner

, and 1st Class Magistrate (to be appointed also Justice of the peace), to exercise magis-terial jurisdiction over the Railway lands. He should try all offences at the various stations. He would probably get a free pass, and should never on any account require witnesses and parties to leave the Railway line.

3rdly. The Police and Mr Clerk as 1st Class Magistrate will be under the various Deputy Commissioners as regards Police and Magis-terial work in their respective districts. This may be so as regards Mysore, Bangalore, and part of the Tumkur district. But as regards remainder of the Railway line, it seems to me to be highly desirable to put ~~it~~ all into the Kadur district. I would put the whole Railway line from Harihar up to and inclusive of Tiptur Railway Station

Salem, into your District. I can if necessary, give you another Assistant for ordinary work and will also allow some allowance to you so as to enable you to maintain an extra carriage &c. and to enable you to pay frequent and rapid visits to Kadur and thence travel by Railway towards Harihar on one side and to Tiptur on the other. There may be cases of importance which you should take into your own hands, rather than let Mr. Clerk try them, but what I most look forward to is the general efficiency of our Railway jurisdiction in that part of the line where it will be most open to criticism and comparisons with Bombay arrangements.

Notification

Devan's Notification No 172 Dated Bangalore 11th September 1889.

Under Section 7 of the Code of Criminal Procedure, the Government of Mysore hereby direct that the lands occupied by the Mysore State Railway from the North Distance Signal of the Harihar Railway Station to, and inclusive of, the Tiptur Railway Station (including land occupied as stations, outbuildings and for other purposes connected with the said Mysore State Railway) be added to the District of Kadur, and to the Sessions Division of Shimoga.

Under Section 30 of the Code of Criminal Procedure, the Government of Mysore hereby invest Mr. G. F. Meiklejohn, District Magistrate of Kadur, with powers

to try as a Magistrate all offences not punishable with death, committed within the limits of the aforesaid territory

Extract from the Dewan's Dasara Address of October 1885.

× × ×

The Durbar has lately accepted a proposal made by the Govt of India that the Extension from Gubbi to Harihar should be executed with foreign capital. Negotiations are it is believed, in progress between the Secretary of State for India on behalf of Mysore, and the

Southern Mahratta Company, whereby the present line of 140 miles is to be hypothecated for the amount of its cost to the Company, who are to raise the additional capital required and carry out the extension. The amount which Mysore is to receive on the hypothecation of its present line is to be paid to the British Government in part liquidation of the Famine Loan. The terms under which the Company is to construct the extension and maintain, manage and work the whole system of the "Mysore State Railway" are to be similar to those of the existing contract between the Secretary of State and the Company as regards the Deccan Railways. Under this arrangement, Mysore will guarantee to the Company interest on its capital during the first five years, the State receiving the whole of the net earnings of the Railway during that period. After the first five years, the rate of guaranteed interest payable to the Company will be reduced to 3½ per cent, and the Company will then, in addition, retain for itself ¼th of the net earnings the remaining ¾ths being handed over to Mysore. Due provision will be made for the Government retaining in its hands a control over the accounts and expenditure of the Company, and for Police arrangements on the line. The whole Railway is redeemable at the end of the 25th 35th, or 45th year. These terms are, it will be seen, not unfavorable to Mysore. The amount to be received by the hypothecation of the open line, which, as already shown, has cost about 65 lakhs, will go a great way towards liquidating the Famine Loan which now amounts to about 77½ lakhs of Rupees. In this way Mysore will soon be free to apply to its own advantage, the heavy payments it now makes towards the repayment of this loan; while the liability on account of the guaranteed interest will not be serious, if the returns on the completed system are maintained at a figure which Mysore has a right to expect from its own experience in managing the small sections it has already constructed. If the cost of construction is limited to the amount provided by Mysore estimates, the difference between the 3½ per cent guarantee and the Mysore share (¾ths) of the 3 per cent earnings, will only amount to about Rs. 78,000 per annum. This charge is not to be considered as too high a price to be paid for a few years, for the advantage of securing at an early date a long length of Railway within the Province, with the option of purchasing it hereafter when the finances are in a more flourishing condition. The annual charge above referred to will cease when the Railway begins to earn 4¾ per cent on the capital; and, when it earns more than that rate, it will become a source of revenue to the State. Thus, on the whole, the proposed arrangement with the Southern Mahratta Company is one which is calculated in every way to advance the best interests of the State.

Extract from the Dasara Address of October 1886—

But as I explained to you on previous occasions, the extension of our system so as to connect it with that of the Southern Mahratta Company with its outlet on the Western Coast, is a work which cannot be done out of the ordinary revenue within a time which can be regarded as reasonable, or without involving a considerable neglect of the claims of numerous minor works of vital importance. From this point of view the surrender of the Railway to foreign capitalists is a measure of distinct advantage to the State. It provides within a brief period a complete Railway system which we so much need, and at the same time it leaves us free to devote our ordinary revenue resources to their more legitimate purpos

P.J.O.

Extract from the Dasara Address Octr 1888–

naturally expect me to give you some definite information regarding the arrangement under which the State Railway is being managed and extended by the Southern Mahratta Company. A copy of the contract finally concluded with the Company having recently been received from the British Government, I shall first explain briefly the terms of this contract, and then touch upon its bearing on the finances of the State.

The contract has been concluded by the Secretary of State for India, acting on behalf of the Maharaja of Mysore, and it is to be in force for a period of 46 years from the 30th June 1886 to 30th June 1932. Under the guarantee of the Secretary of State, the Company have raised a loan of £1,200,000, and the proceeds of this loan (£1,224,000, including a premium of 2 per cent) has been paid by the Company to the credit of the Secretary of State. The sum thus paid amounts in Indian currency to Rs. 1,63,82,801, and is intended to be devoted towards the capital cost of the Mysore State Railway, that is to say :—

Rs.	
68,60,508	towards payment to the Mysore State of the actual capital outlay on the Mysore-Gubbi line up to 30th June 1886, and—
95,22,293	(or such portion of it as may be absolutely necessary) towards expenditure upon the construction and equipment by the Company of the extension from Gubbi to Harihar.

The entire Railway from Mysore to Harihar is to be worked by the Company as a separate system, distinct from their Railways in British India, and the cost of management is to be apportioned between the two systems in the proportion of their respective gross earnings. Out of the net earnings of the Mysore system, the Company are to retain for themselves a quarter share, the remaining three quarters being handed over to the Mysore State. The loan of £1,200,000 raised by the Company is not redeemable before 1st March 1936, but is redeemable after that date upon a year's previous notice being given. Till such redemption, interest upon it at 4 per cent per annum is payable half yearly in London on 1st April and 1st October in each year. As the loan has been taken up upon the guarantee of the Secretary of State, acting on behalf of the Mysore State, there attaches to the latter the obligation to pay interest on it till its redemption. But you will, at the same time, note that there is no obligation whatever, either on the part of the Mysore State or the British Government, to redeem the loan at any time though it is optional to the British Government, and, through the British Government, to the Mysore State, to redeem it at any time after 1st March 1936. Under the terms of the contract, the management of the Railway will, on 1st July 1932, be surrendered by the Company to the Secretary of State acting on behalf of the Mysore State, and from the date of such surrender, the State will be entitled to work it in any way it deems proper. You will thus see that the arrangement in regard to our State Railway is divisible into two distinct parts, which have no necessary connection with each other. First, the State has the obligation to pay interest on the loan and the option to redeem it in due time, and secondly, the Company has the obligation of constructing and managing the Railway for a specified term of years and the right to receive as remuneration for such service a quarter of net earnings during such term. I am sure you will agree with me in thinking that this remuneration to the Company for 46 years is not too great a price to pay for the construction of an important Railway with the aid of foreign capital.

The sum of Rs. 68,60,508 being capital cost of the Mysore-Gubbi line up to 30th June 1886, has been paid to the credit of Mysore, out of the capital raised by the Company ; and the same has been applied towards the partial liquidation of the famine debt due to the British Government, with effect from 1st July 1886. 'Since then, two payments of 4 lakhs each have been made by the State towards this debt, which will be completely liquidated by the payment of Rs. 1,99,404 in December next, when the annual payments of 4 lakhs hitherto made on this account will determine.

It is however our intention to continue similar payments and to set them apart towards a special fund for the redemption as well of the Local Railway Debenture Loan of 20 lakhs as of the English Debenture Loan of £1,200,000.

In addition to these payments of 4 lakhs per annum we have to meet the guaranteed interest on the last named loan. During construction, however, we are only called upon to pay interest upon capital actually spent from month to month. Eventually, we have to pay interest on the whole loan amounting to £48,000 per annum, which, according to average rates of exchange, will probably be about 5¾ lakhs of rupees. When the working of the Railway is fully developed—as I hope it will be within the next few years—about 4½ lakhs per annum may be expected as ¾ths of net Railway earnings due to the State, and deducting this amount from interest payable by the State, the net annual payment to be made to the Company, under the contract, would be about 1¼ lakh per annum. Much larger net annual payments varying from 3½ to 2 lakhs will, however, be necessary in the next five or six years, during the infancy of the Railway when net earnings would be necessarily low, and I have only to add that the Government have made an accurate forecast of the various liabilities above

Enclosure

Proceedings of the Government of His Highness the Maharaja of Mysore No 4758 / Cir 120 dated 11th September 1889.

Order – Mr. G. F. Micklethwaite, District Magistrate of Kadur, will be requested to pay frequent visits to all Railway stations within his jurisdiction and satisfy himself of the thorough and ~~Complete~~ efficiency of the Railway Police and Magistracy.

2. Assistant Commissioner and 1st Class Magistrate Mr. F. B. Clerk is deputed for the trial and disposal of Criminal cases ~~occurring~~ occurring on the State Railway between Harihar and Mysore.

3. As regards Magisterial work within any district thro' which the Railway passes Mr. Clerk will be subordinate to the District Magistrate of that District and shall submit to him all prescribed returns and reports.

4. Mr Clerk will try all offences ~~occurring~~ occurring on, or in respect of, the Railway, at the Railway Station which is most Convenient to the parties and witnesses Concerned.

5. Mr Clerk's deputation is not intended to withdraw jurisdiction vested in other Magistrates, provided that the trials are held at Railway Stations most Convenient to parties and witnesses.

6. Mr Clerk will be provided with a ministerial establishment as per appended scale.

× × × ×

		Rs per mensem
1	Head Munshi	50
1	Deputy do	35
1	Accountant	25
1	Dubash	8
2	Peons at 7 each	14
1	Peon	6
1	Lascar	7
1	Mashalchi	5
	Total	150.

Bangalore.
31st March 1888

My dear Mr. Sheshadri Iyer.

The meeting regarding Railway business has just terminated, and I think it well to let you know at once results. The Contract had not arrived, and Colonel Filgate could settle nothing regarding the several points raised, beyond expressing his concurrence in the views of the Durbar or the reverse from his own point of view.

I represented seriatim the questions touched on in your two Memoranda, and the following information was elicited -

How capital cost of State Railway from Mysore to Gubbi, Rs 68, 60, 508 - credited towards the Jeumnie Loan, was arrived at? It disagrees with our figures. Colonel Filgate thinks we ought to address Govt of India on the subject, and the information will no doubt be forthcoming at once.

Interest. Colonel Filgate stated that this point is now before the Secretary of State and he could give no definite answer. He believes, however, that interest will only be charged on outlay as incurred month by month.

Capital raised. The Debentures were taken up at 2 per Cent premium, not 4½ per Cent. Amount realized was therefore £24,000. This amount will first be expended on the Railway, and on it no interest will be charged, that is, this premium will be the first money to be spent before the £1,200,000 is touched.

Exchange. It will probably be arranged that the rate of Exchange will be the average for the half year on Govt. transactions immediately preceding -

Accounts. Colonel Filgate considers that the Capital and Revenue accounts can very well be demanded from the Company month by month and can be rendered by them.

with orders of the Govt of India thereon should be sent to Durbar in Colonel Filgate's opinion, and this no doubt can be arranged for -

Police charges. It is believed that jurisdiction over the line must vest in the British Govt, as is the case all over India, whether on the Nizam's Railway, the railways in all Native States, or Railways in British India - Otherwise there would be a break ~~in the~~ of continuity and complications of law, &c. But of course it was quite beyond the conference to deal with this. It will be a question for the Foreign Office to discuss.

Estimate. Colonel Filgate understands that the Company's revised Estimate reduces the outlay by some 9 Lakhs.

Control. Colonel Filgate thinks that the interests of the Durbar would best be met by a Board on which would be a representative of Mysore, and which at half-yearly meetings would pass all Estimates, proposals for outlay, &c. Any other arrangement would involve dual control

and responsibility, and be difficult, if not impossible, to work. But all this is of course merely opinion.

Such was briefly the upshot of the meeting, which you see resulted practically in nothing. I am glad you were, under the circumstances, saved the inconvenience of a journey which would have been for you evidently mere waste of time.

I shall now write to the Resident in the sense indicated in your foot-note of 30th. That must bring matters to a head, which the meeting could not do—

Very sincerely Yours

Sgd/. C. Bowen.

Letter from the Secretary Public work
Department Mysore Government to the
Assistant to the Resident in Mysore No 1608/276
dated 7th April 1888.

I am desired to acknowledge
the receipt of your letter no 1197/1A5 dated 6th
April 1888 and in reply to make the follow
observations.

× × × ×

4. In regard to certain other matter
not dealt with in my previous letters
Nos: 1343/239 and 1344/240 dated 2nd April.
I am to request information as follows

× × × ×

6 thly I. The Durbar will gladly arrange
for the Police force required under para
23 to 25 of the Contract. Information as
to requirements is accordingly requested

No 6 Police 9-88-1

Refers 502 8-12-88

No. 3666 / 4798

(19)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Await reply to Resident's memo sent with D.O. today 6/12/88. by

Dated, Bangalore, 2nd November 1888.

SIR,

In forwarding for the consideration of the Durbar the accompanying copy of a letter from the Secretary to the Government of India, Public Works Department, to the Bombay Government regarding the general policy to be pursued towards the Mysore Durbar with regard to the Mysore State Rail

732. R.C. dated 14th July 1888

I am directed to point out that the Govern

Ref. No. 562
8-12-88

No 5

Volume 4-88-1

No. 3666
479.8

(19)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Await reply to Resident's memo sent with D.O. today 6/12/88. by

Dated, Bangalore, 2nd November 1888.

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No. 1732. R.C. dated the 14th July 1888

Refer. 552
8-12-88

No 6 Police 9-88-1

No. 3666.
479.8

(19)

FROM

THE ASSISTANT TO THE RESIDENT IN MYSORE

To

The Dewan of Mysore.

Await ltrs &
Memo sent to Resident
with D.O. today
6/12/88. by

Dated, Bangalore, 2nd November 1888.

SIR,

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1732. R.C. dated the 14th July 1888

I am directed to point out that the Government

vernment of India is endeavouring
far as possible to meet the wishes
the Durbar as represented by the
blic Works Department Secretary in
is letter No. $\frac{1608}{275}$ dated 17th April 1888.

The question of jurisdiction on
line when completed is obviously a
atter which is beyond the province
- the Public Works and Financial
epartments, but the Officiating Resident
ought the subject to the notice of the
overnment of India and asked for
n indication of their policy - In reply,
ir Harry Prendergast has been informed
hat the Government of India have the
llest confidence in the ability of the

Mysore Courts but for the sake of ad-
ministrative convenience they desire
that as in other great Native States
such as Hyderabad and Kashmir,
in Mysore the jurisdiction upon line
of Railway shall vest with the Imperi
Government.

I am desired to say that there
is nothing unusual in the arrang
ment, which indeed has been alrea
adopted in Hyderabad and Kashmir,
and to ask for the cession by the
Durbar of full jurisdiction over the
lines of railway already constructed
and that may be constructed in
the Mysore Territory.

A form of Notification like that
the 5th February 1883 is enclosed for
consideration of the Government
of His Highness the Maharaja. If this
meets with the approbation of the Durbar
it would be convenient, I am to suggest,
that the arrangements regarding the
Magisterial and Police work should
be the same as those adopted for the
branch of the Madras Railway that
traverses Mysore Territory.

I have the honour to be,

Sir,

Your most obedient Servant,

J. Meadows Taylor

Assistant to the Resident.

No. 732 R. C.

GOVERNMENT OF INDIA,

PUBLIC WORKS DEPARTMENT.

RAILWAY CONSTRUCTION.

To

THE SECRETARY TO THE GOVERNMENT OF BOMBAY,
PUBLIC WORKS DEPARTMENT.

SIMLA, *the 14th July, 1888.*

In September* last the Government of Bombay drew attention to certain errors and omissions in the Mysore Railway contract, and, whilst pointing out that any direct interference by the Native State would not have been workable, asked for some indication to be given of the general policy to be pursued by the Government of Bombay in respect to any wish which the Mysore Durbar might express with regard to the working of the Railway in their territory.

*Letter No. 59 P dated 22nd September 1887.

2. I am to express regret that this question has remained so long unanswered, the delay being due to the fact that it became mixed with other complicated issues regarding the transfer of this railway. I am also to convey to you the concurrence of the Government of India with the views set forth in the opening portion of paragraph 4 of your letter under reply, and to explain that whilst the Government of India wishes that the Mysore Durbar should be treated with all courtesy, and supplied, through the Resident, with information regarding the cost of working or constructing the Mysore Railway, and as to the progress which is being made in the works, His Excellency the Governor General in Council deems it unadvisable that any dual responsibility should be incurred either as regards the open or the unopen line, and desires that the powers vested in the Secretary of State by the Mysore Railway contract should be exercised only by the Government of Bombay, acting under the general instructions of the Government of India.

Information to be supplied.

3. All such information should be furnished to the Resident by the Consulting Engineer for Railways, Bombay, and this should be recognised as the only channel for official correspondence, it being considered undesirable that either the Agent of the Southern Mahratta Railway Company, or the Consulting Engineer for Railways in Bombay, should be in direct communication with the Mysore Durbar.

Channel of correspondence.

4. I am accordingly, to request that, with the consent of His Excellency the Governor in Council, the Consulting Engineer for Railways in Bombay may be desired to forward to the Resident in Mysore, the last issue of the documents specified in the margin, and to keep him periodically supplied with future issues; and that any reasonable explanations which may be asked for, in connection with these returns, may also be furnished to the Resident, so long as this does not involve any question regarding the supervision and control of the railway operations in Mysore which are vested in the Government of Bombay.

Monthly Capital and Revenue Accounts.
Annual Finance Accounts with the orders passed on them.
Half-yearly Capital and Revenue Accounts.
Forecasts of the probable half-yearly outlay on Capital Account.
Budget Estimates, Capital and Revenue, with the orders passed on them.
Half-yearly working estimates and establishment rolls.

5. A suggestion has been made that any further information required by the Mysore Durbar might conveniently be supplied at quarterly meetings which should be held at Bangalore under the presidency of the Resident in Mysore, and at which the Consulting Engineer for Railways in Bombay and a delegate from the Southern Mahratta Railway Company, should meet a representative of the Mysore Durbar and verbally discuss with him any proposals which the latter might have to make as regards the working and construction of the Mysore Railway.

Quarterly Meetings.

I am to enquire whether in the opinion of His Excellency the Governor in Council, this course would be attended with inconvenience. It is to be understood that such meetings are purely consultative, and would not in any way infringe upon the powers of supervision and control which are now exercised by the Government of Bombay regarding the affairs of the Mysore Railway; nor would they give any authority either to the Mysore Durbar or to the Resident to sanction or veto expenditure. But it appears to the Government of India that while the Mysore Government could hardly interfere with advantage in matters relating to the construction of the line, the views of that Government as to the working of the line, when once open, and especially as to the expenditure of further capital on the improvement of the line, would be entitled to much respect, and should not be lightly overruled.

In case the opinions of the members on any matter of importance could not be reconciled, the President of the meeting would refer the case to the Government of India, stating both sides of the question and sending to the Government of Bombay a copy of the letter referring the matter to the Government of India.

I am to enquire also what views the Agent of the Southern Mahratta Railway Company entertains as to the advisability of these proposed quarterly meetings being held.

6. As regards the question of Police which is raised in your letter under reply, I am to say that the Mysore Durbar has agreed to arrange for the Police Force required under clauses 23 to 25 of the contract. I am accordingly to enquire what the police requirements are which the Company considers desirable on the Mysore Railway, and what is the organisation of that force which the Government of Bombay would recommend. The Government of India would be glad to learn if there is any objection to the Police for the Mysore line being provided by the Durbar on a scale to be jointly approved by the Railway Company, the Resident in Mysore, and the Government of Bombay, the Company contributing its share of $\frac{7}{10}$ths, and paying it to the Durbar.

Police.

7. I am further directed to transmit copy of a letter* which has been addressed by the Resident to the Government of India, together with its enclosures, and with reference to Colonel Bowen's letter† of the 17th April, I am to make the following enquiries.

*No. 1478—1.A 5, dated 1st May 1888.

† Letter from Lieutenant-Colonel Bowen R. E., to the Assistant Resident in Mysore, Nos. 1608—275, dated 17th April 1888.

8. In paragraph 2 (1) of Colonel Bowen's letter the Durbar asks for a copy of the Gubbi-Harihar estimates.

Gubbi-Harihar estimates.

A copy of the revised estimates for this project, sanctioned in Public Works Department letter No. 1092, dated 17th October 1887, to your address, may be sent to the Resident, together with any notes or explanations which His Excellency the Governor in Council may consider necessary.

9. As regards the complaint‡ made by the Durbar to the effect that the contracts for work on the unopen line have not been put up to open competition, I am to invite attention to the Public Works Department letter§ quoted in the margin and to request the favor of a report on this point.

‡Paragraph 2 (2) of Colonel Bowen's letter No. 1608—275 of 17th April 1888.

§Public Works Department letter No. 338 R. C. dated 6th April 1888.

10. With reference to paragraph 4, clause 7 of Colonel Bowen's letter* I am to ask that the Government of India may be favoured with information regarding any proposals for Provident Institution, Savings Banks, and Reserve Fund, under paragraphs 67 and 68 of the contract; and with respect to paragraph 4, clause 9, to request that the Resident may be furnished with the rules in force on the Southern Mahratta Railway in regard to the service required from the Company by Government [clauses 31 to 33 of the contract].

*No. 1608—275, dated 17th April 1888.

11. Lastly I am to add that the questions comprised under paragraph 4, clauses 1 to 5 of Colonel Bowen's letter† are under consideration.

†No. 1608—275, dated 17th April 1888.

I have the honor to be,

SIR,

Your most obedient servant,

R. C. B. PEMBERTON, COLONEL, R. E.,

Secretary.

Documents accompanying.

Letter from the Resident in Mysore to the Government of India, No. 1478—1 A. 5 dated 1st May 1888, and enclosures.

(Enc-IV)

Notification

Whereas His Highness the Maharaja of Mysore has granted to the British Government full jurisdiction within the lands in his territory which are occupied or may be hereafter occupied by the Mysore State Railway or other lines of Railway (including land occupied as Stations, out-buildings and for other purposes connected with such Railways). In exercise of this jurisdiction and of the powers conferred by Sections 4 and 5 of Act XXI of 1879 (Foreign Jurisdiction and Extradition Act, 1879) and of all other powers enabling him in this behalf,

the Governor General in Council is pleased
to issue the following notification.

All laws for the time being in
force in the Civil and Military Station
of Bangalore shall be deemed to be in force
in the aforesaid lands

All Courts having for the time
being jurisdiction within the Civil and
Military Station of Bangalore shall exercise
the same jurisdiction within the aforesaid
lands

The administration of the Police
within the aforesaid lands shall be vested
in the Superintendent of Police for the time
being for the Civil and Military Station of
Bangalore, who shall exercise within the
aforesaid

aforesaid lands, the same Police powers as he may exercise for the time being within the Civil and Military Station of Bangalore in subordination to the same authorities as he may, when exercising these powers, be, for the time being, subordinate to, in the said Civil and Military Station.

First Draft

Memorandum.

The arrangement entered into with the S. M. C°. in regard to the Mysore State Railway is in many respects a Special one for which no true precedent exists in any other Native State, and it may be well to recall to mind the circs under which this arrangement was effected.

2. Both in the previous Demi official Correspondence as well as in the final official letter from the Residency this transaction was described as one between the Durbar & the Southern Mahratta Company, and in Govt. Resident's letter No1 Camp of 17 June 1885 it was described in the following terms:—

"(i). That the Durbar should enter into an agreement with the Southern Mah Railway Company to take over for a term of years, on certain condi as to interest & profits the Existing line from Mysore to Tumkur (including the Gubbi Extension) and complete it to Haribar the Company paying the Durbar the cost (viz 60 Lakhs) of the Existing lin

(ii) That the term of hypothecation should be 50 years, but that the Railwa should be redeemable by the Mysore State at certain periods during the currency of the Contract.

(iii) That the payments made by the Company as the value of the Existing line shall be used in liquidating an equivalent amo of the State debt to the British Govt., and

(iv) That the Durbar shall maintain the annual payment of four la which it now makes for the purposes of (a) paying off the balan of debt due to the British Govt and (b) keeping up, or forming a Sinking fund to pay off, when due, the public loan of 20 Lakhs raise the open market in 1882."

3. On the receipt of the last quoted letter I asked the Resident for more definite information & received in reply the following Telegram of 22 June 1885

"Your demi-official yesterday. Resident has "received from Simla no further details than those "Embodied in my official Seventeenth instant, "but he thinks you may safely assume that

"Scheme there outlined is substantially
"same as Mr. Hope's scheme and that Durbar
"will not be placed in position less
"favorable in any material respect than
"that Scheme would give them. We have no
"further papers."

4. Upon ~~possession made~~ receipt of the above telegram the Durbar expressed its willingness to enter into the proposed Agreement with the S.M.Co. (Dewan's letter to Resident No. 16 dt 2nd Jany 1885)

Communicates the views of the Govt of India in

5. In reply to the above letter, the Resident refers to the terms of the proposed Agreement stated
"The Agreement will be concluded in the name of
"Government of India acting on behalf of the Mysore
"State. This arrangement will, it is anticipated, be more advantageous to the Durbar
"in that it is likely to procure for His Highness'
"Government more favorable terms."
(Para 3, Clause 4, of Asst Resdt's letter No 1302 dt 18th Augt 1885)
241

6. ~~The Durbar believed that~~ The object of the Contract being Concluded in the name of the British Govt ~~acting on behalf of~~ Mysore, being to obtain more favorable terms for the Durbar, it was not expected that this fact would involve any abandonment of local Control or the Operations of the Company, much less any transfer of jurisdiction over the ground occupied by the P.T.

When before actual execution of the Contract with the Company, the Durbar, on being asked to transfer the Railway management to the Company, asked applied for some information required in the terms of the Contract; I was informed of the views of Govt by Mr Lyall's D.O. letter of 19 June 1886 as follows:—

"The Secretary of State has already entered into a Contract "with the Southern Mahratta Railway Company and funds have "been raised by the Company on the strength of the Contract. "The Secretary of State concluded the Contract in virtue of the "authorization given by the Durbar, and has obtained the "best terms he could for the Durbar. The time for the dis- "cussion of minor details is past. In this matter, the Secy of "State has acted as he would in contracts on behalf of the Govt "of India which ~~in fact~~ has the opportunity of discussing minor "details, nor in fact could do so effectively at a distance. "× × × The same powers of control & audit as are contained "in the S. M. R. contract are reserved to the Secretary of State "who will act on behalf of the Mysore Durbar. When received, the Contract "will be sent with explanations."

8. The Durbar did not expect that from the above that jurisdiction over Railways to have to be transfd to the ~~Govt~~ British Govt as the necessary result of the powers of control & Audit being vested in the Secretary of State.

9. Before publishing the ~~Contract~~ Notice of the actual transfer of the S. M. Railway to the R Co I sent a draft of it to Mr Lyall for information — Mr Lyall suggested that para 3 of the draft might be altered as follows:—

Precedents by any Mysore State; as there is no native State which is ~~like~~ Railway, is in a position similar to that of Mysore.

"It must be understood that the transfer
"makes no change in the Civil, Criminal and Police
"jurisdiction heretofore Exercised over the line of the
"State Railway by the proper Officers of the Mysore State
"in accordance with the laws for the time being in
"force."

and in suggesting the above alteration
Sir Lyall Said. "I have suggested on the
"margin a revised wording for that para which
"I shall ask you to accept as the Government
"of India have put this matter of the transfer
"by their instructions somewhat specially into my
"hands. Until we get the Contract and the final
"instructions of the Govt of India, it would be, I think,
"a mistake to say as much as is said
"in your para 3." (Vide D.O. of 2nd July 1906).

10. In adopting the alteration suggested, I

replied

"I hope the jurisdiction will always continue
"to be vested in the Officers of the Mysore State.
"The jurisdiction over the Madras Railway has
"been made over to the British Government, but
"no part of the Madras Railway is built on the guarantee
"of the Mysore Government. The case of the "Mysore
"State Railway" is quite different. The transaction
"with the Southern Mahratta Company was from the
"commencement understood to be one of hypotheca
"tion only, and Mysore will pay guaranteed interest
"to the Company. Under such circumstances, I beg
"that Mysore will be allowed ~~to~~ to continue
"to Exercise full jurisdiction over the Railway and not
"required to transfer such jurisdiction to the

British Government." Vide D.O. of 2nd July 1886.

11. "Here are the more important facts to be gathered" from the past Correspondence bearing on the question of jurisdiction over the Mysore Harihar Railway. In letter No. 3666/479-S of 7th Nov. 1888 ~~from the Resident~~ the Resident intimates that "for the sake of administrative Convenience" the Govt. of India "desire" that, as in Hyderabad & Cashmir, the jurisdiction upon lines of Railway shall vest with the Imperial Govt.

12. His Highness the Maharajah is most willing at once to ~~grant~~ make the territorial assignment required to give effect to the wishes of the Govt. of India, but before actually making it, he is anxious that the Special Circumstances Connected with the Mysore Railways should be Submitted for the indulgent Consideration and final Orders of His Excy the Viceroy — The Mysore Railways Continues to be State property, hypothecated to the S.M. R. Co. for 50 years. It is redeemable by the State, at the End of 50 years, and till redemption the State has to pay the Company interest on the total Capital Outlay, as well as ¼ of Net Railway Earnings as remuneration for their management. ~~of the State~~. In these respects it is probable that the Case of the Mysore Railways is different from that in other States. ~~State~~ Questions Subject to ~~Imperial~~ [illegible]

difference is that nearly one half of the Entire Railway was Constructed by the State from Current Revenue and a small local loan — In Mysore the Civil and Criminal Law is the same as that in force in British India and this is not the Case in Hyderabad or Cashmir — Existing laws in Mysore Cannot be altered without the previous Consent of the Govt of India — When Mysore redeems the Railway the jurisdiction will of course vest in it, and there is no advantage apparently to be gained by a temporary change of jurisdiction — The transfer by hypothecation of the Railway to the S. M. R. Co., is a measure highly unpopular with the people Generally — The Durbar have done and are doing their best to allay this popular feeling — (Vide Appended Extracts from my Dasara Speeches of Octr. 1885, October 1886, and October 1888.

But the further transfer now proposed ~~Durbar Cannot Conceal proposed to be effected~~ of the jurisdiction over the line, will tend greatly to aggravate the popular feeling. The Bangalore Branch of the Madras Railway vests in the British Govt., but that line is not State Property and the State pays no Guaranteed interest on the Capital — And the fact that the management of the Railway will always be under British Control, may be found sufficient for all Imperial purposes and the Durbar will Guarantee that their exercise of jurisdiction over the line will lead to no inconvenience to the British Govt — Their jurisdiction up to date has caused no inconvenience and all they ask is that the existing Conditions of things may be allowed to continue until it is found to

13. Under the Circumstances above briefly set forth His Highness the Maharaja begs that His Excellency the Viceroy will accord an Exceptional treatment to Mysore in regard to the particular Railway in Question, In making this request he is emboldened by the fact that the transfer of jurisdiction does not apparently arise out of the

In the Jurisdiction Thereof will the Commissioner's inconvenience, if any, exist in the Civil Suits & Criminal Law of the 2 Districts since 3011 miles long has been

Contract between the S. M. R. Co. & the Secretary of State acting on behalf of the Mysore State, or from S. 15 of the Instrument of transfer which ~~[illegible]~~ does not seem to deal with the ~~[illegible]~~ Railways Constructed at the expense of the State.—

V. Krishnadeva Raja

D.O.

Mysore
Dec. 6 — 1888.

My dear Sir

H.H. Highness the Maharajah has given his best Consideration to the Subject of your letter No. 3666/479-8 dy 2d Nov/88 regarding the transfer of jurisdiction over the Mysore Railway, and he asks me to send you the accompanying Memorandum on the Subject and to add that he will feel very grateful to you for Submitting it for the kind Consideration & orders of His Excy the Viceroy

I remain
very sincerely
yours

To Genl Sir Harry Prendergast

Memorandum.

The arrangement entered into with the Southern Mahratta Company in regard to the Mysore State Railway is, in many respects, a special one for which no precedent exists in any other Native State; and it may be well to recall to mind the circumstances under which this arrangement was effected.

6/12/88

2. Both in the previous Demi Official correspondence as well as in the final Official letter from the Residency, the transaction was described as one between the Durbar and the Southern Mahratta Company; and in Assistant Resident's letter No 1. Camp, dated

7th June 1885 it was described
in the following terms:-

"(i) That the Durbar should
enter into an agreement
with the Southern Mahratta
Railway Company to take
over for a term of years,
on certain conditions,
as to interest and profits,
the existing line from
Mysore to Tumkur (including
the Gubbi extension) and
complete it to Harihar, the
Company paying the Durbar
the cost (viz 60 lakhs) of the
existing line;

"(ii) That the term of hypothecation
should be 50 years, but that
the Railway should be redeemable
by the Mysore State at certain
periods during the currency
of the contract;

"(iii) That the payments made by
the Company as the value of the
existing line shall be used in
liquidating an equivalent
amount of the State debt to the
British Government; and

"(iv) That the Durbar shall
maintain the annual payment
of four Lakhs which it now ma

receipt of the above telegram,

4. Upon ~~proposals made as above~~, the Durbar expressed its willingness to enter into the proposed agreement with the Southern Mahratta Company. (Dewan's letter to Resident no 16 dated 3d July 1885).

5. In communicating the orders of the Government of India in reply to the above letter, the Resident referring to the terms of the proposed agreement stated:

"The Agreement will be "concluded in the name of "Government of India "acting on behalf of the "Mysore State. This arrange-"-ment will, it is anticipated, "be more advantageous to "the Durbar in that it is "likely to procure for His "Highness' Government more "favorable terms." – (Para 3, Clause 4, of Asst. Resident's letter no $\frac{1302}{241}$ d/. 18th August 1885).

* ~~(Vide Para 3, clause 4. of Assistant Resident's letter no 1302—241 dated 18th August 1885.)~~

'. The object of the Contract being concluded in the name of the British Govt. being to obtain more favorable terms for the Durbar, it was not expected that this fact would involve

any abandonment of local control on the operations of the Company; much less any transfer of jurisdiction over the ground occupied by the Railway.

7. When before actual execution of the contract with the Company, the Durbar on being asked to transfer the Railway management to the Company, applied for some information regarding the terms of the contract, I was informed by Mr Lyall's (of the orders of Govt) demi official letter dated 19th June 1886, as follows:

"The Secretary of State has
"already entered into a
"Contract with the Southern
"Mahratta Railway Company
"and funds have been
"raised by the Company
"on the strength of the Contract.
"The Secretary of State concluded
"the contract in virtue of
"the authorization given
"by the Durbar, and has
"obtained the best terms

he could for the Durbar. The time for the discussion of minor details is past. In this matter the Secretary of State has acted as he would in contracts on behalf of the Government of India which never has the opportunity of discussing minor details, nor in fact could do so effectively at a distance. * * *

The same powers of control and audit as are contained in the Southern Mahratta Railway Contract are reserved to the Secretary of State who will act on behalf of the Mysore Durbar. When received, the contract will be sent with explanations."

The Durbar did not expect from the above that jurisdiction over Railway would have to be transferred to the British Government as the necessary result of the powers of control and audit being vested in the Secretary of State.

9. Before publishing the notification of the actual transfer of the Railway to the S. M. R. Company, I sent a draft of it to Mr Lyall for information. Mr Lyall suggested that para 3 of that draft might be altered as follows:

"It must be understood "that the transfer makes no "change in the civil, criminal "and Police jurisdiction "heretofore exercised over the "line of the State Railway by "the proper officers of the "Mysore State in accordance "with the laws for the time "being in force".

And in suggesting the above alteration Mr Lyall said: "I have suggested on the margin a revised wording for that para which I shall ask you to accept as the Govt of India have put this matter of the transfer by their instructions somewhat specially into my hands.

until we get the contract
and the final instructions
of the Government of India,
it would be, I think, a
mistake to say as much as
is said in your para 3."
Vide D.O. dated 2d July 1886).

5. In adopting the alteration
suggested, I replied:
"I hope the jurisdiction will
always continue to be vested
in the officers of the Mysore State.
The jurisdiction over the Madras
Railway has been made over
to the British Government,
but no part of the Madras
Railway is built on the
guarantee of the Mysore
Government. The case of the
'Mysore State Railway' is
quite different. The transaction
with the Southern Mahratta
~~Rail~~ Company was from
the commencement understood
to be one of hypothecation
only, and Mysore will pay
guaranteed interest to the
Company. Under such
circumstances, I beg that
Mysore will be allowed
to continue to exercise
full jurisdiction over the
Railway and not be required

"to transfer such jurisdiction
"to the British Government."
(Vide D.O. dated 2d July 1886).

11. These are the more important facts to be gathered from the past correspondence bearing on the question of jurisdiction over the Mysore-Harihar Railway. In letter No. 3666/479-8 dated 2d November 1888, the Resident intimates that,
"for the sake of adminis-
"trative convenience, the
Government of India desire
that, as in Hyderabad &
Cashmir, the jurisdiction
upon lines of Railway shall
vest with the Imperial
Government."

(So in Mysore)

12. His Highness the Maharajah is most willing at once to make the territorial assignment required to give effect to the wishes of the Government of India, but before actually making it, he is anxious

that the special circumstances connected with the Mysore State Railway should be submitted for the indulgent consideration and final orders of His Excellency the Viceroy. The Mysore Railway continues to be State property hypothecated to the S. M. R. Company for 50 years. It is redeemable by the State at the end of 50 years, and, till redemp the State has to pay the Company interest on the total Capital outlay, as well as ¼ of net Railway earnings as remuneration for their management. In these respects, it is probable that the case of the Mysore Railway is different from that in other Native States. Another salient point of difference is that nearly one half of the entire Railway was constructed by the State from Current Revenue and a small local loans and this earnings be saved in the Railways in other Native States.

In Mysore, the Civil and Criminal law is the same as that in force in British India, and this is not the case in Hyderabad or Cashmir. Existing law in Mysore cannot be altered without the previous consent of the Government of India. When Mysore redeems the Railway, the jurisdiction will ~~of course~~ naturally rest in it, and there is no advantage apparently to be gained by a temporary change of jurisdiction. In the meantime, there will be considerable public inconvenience if jurisdiction over a line, some 300 miles long, has to be exercised by Courts in the Civil and Military Station which is situated at one end of it. The transfer of the Railway by hypothecation to the S. M. R. Company ~~is a measure highly unpopular~~ is in favour by both the people generally. The Durbar have done and

lost no opportunity for giving a full & public explanation of the transaction,
~~are doing their best to allay their popular feeling.~~
Vide appended Extracts from my Dasara Speeches of October 1885, October 1886 and Oct.r 1888.)

But the further transfer now proposed of the jurisdiction over the line, will involve, in public estimation, a Commission of prestige to the Dr ~~will tend greatly to aggravate the popular feeling.~~ Jurisdiction over the Bangalore Branch of the Madras Railway, it is true, rests in the British Govt.; but that line is not State property and the State has no guaranteed interest on its capital. The fact that the management of the Mysore line will always be under British control will be found sufficient for all practical Imperial purposes. The Durbar will guarantee that their exercise of jurisdiction over the line will cause no inconvenience whatever to the British Government. Their jurisdiction upto date has caused no such inconvenience and all they ask

is that the existing condition of things may be allowed to continue until it is found to produce any inconvenience. Such a continuance of existing arrangements cannot possibly be quoted as a precedent by any other Native State, as there is no Native State which, as regards its Railway, is in a position similar to that of Mysore.

13. Under the circumstances above briefly set forth, His Highness the Maharaja begs that His Excellency the Viceroy will ~~accord an~~ exceptional treatment to Mysore in regard to the particular Railway in question. In making this request, he is emboldened by the fact that the proposed transfer of jurisdiction does not apparently arise out of the contract between

the S. M. R. Company and
the Secretary of State acting
on behalf of the Mysore State,
or from Section 15 of the
Instrument of Transfer
which does not seem to
deal with Railways
constructed at the
expense of the State —

6 December 1888

Yr obedt Servt

Dewan.

Police 9-88-2

20

No 7

Sir Draft

Do.

Mysore,
December 5th 1888

My dear Sir,

His Highness the Maharaja has given his best consideration to the subject of your Office letter No. 3666/479.8 dated 2nd Nov 1888, regarding the transfer of jurisdiction over the Mysore Railway, and he asks me to send you the accompanying Memorandum on the subject and to add that he will feel very grateful to you for submitting it for the kind consideration and orders of His Excellency the Viceroy.

I remain
Yours very sincerely.

Vide Despatch No 6 Rev. Dept. 18th Dec. 1888.
" " Revenue Dept. 18th do.
" " Acctt Branch No 6 Dept. 9 Jany. 1889.

7. General Sir Harry Prendergast, V C K C B

No 3

Encl 4 to cc 4.
No 2 Kitts 1884

(15)

Memorandum.

Assistant Resident's Letter No. 1 dated 17th June 1885 (Printed Correspondence)

Final proposal was made for transfer of Mysore Railway on hypothecation to the S.M.R. Company. The scheme was:-

1st that the Company should raise the Capital required for paying to the Durbar the Cost of the existing Railway from Mysore to Gubbi, and for Constructing the Extension from Gubbi to Harihar;

2nd. that Mysore was to pay to the Company 3½ per cent as guaranteed interest on the Capital, together with a Quarter of the net earnings of the Railway;

3rd. that the Cost of the existing Railway paid by the Company was to be appropriated towards

the liquidation of the Famine Debt due to the British Government and carrying interest at 4% per annum.

Agreeing to the proposed agreement with the S. M. Company, for the hypothecation of the existing Railway and for its further extension to Harihar, and enclosing statement of expenditure on open line and estimate for the Gubbi-Harihar section.

Dewans reply to Resident, dated 3rd July 1885 (Printed Correspondence)

Expressing gratification of the Government of India at the acceptance of the scheme by the Durbar, and Communicating the promise of the Govt for execution of the work with all reasonable economy, and adding that the agreement would be in the name of the Govt of India acting on behalf of Mysore, so as to secure more favorable terms for the Durbar.

Letter from Assistant Resident No. 1302-241 dated 18th August 1885 (Printed Correspondence)

Resid[t] Mys[e] D.O. Letter dated 19th June 1886 (File B)

Mysore Railway to be transferred on 1st July 1886

Secretary of State has concluded Contract.

Mysore's liability for guaranteed interest is 4% on £1,200,00

Capital Expenditure on Railway up to date of Transfer will be paid.

80 Lakhs provided for Extension to Harihar, but D.P. presume that the whole amount would not be spent.

Control and audit vested in Secretary of State.

Govt of India Resolution dated 18th March 1887. (File B).

Provided following provisional procedure in regard to the accounts of the Mysore Railway.

Railway Capital account. All expenditure, whether in India or in England, to be debited Exchange being included in case of Sterling outlay.

Revenue Suspense account. All Revenue transactions to be entered, together with interes

on Capital Expenditure from month to month.

Asked for information about amount of loan &c.

Letter from Dewan to Resident dated 11th May 1887 (File B)

Copy of this memorandum was received by the Comptroller from the Accountant General, Madras - It directs that Rs: 68, 60, 508, Capital Cost of State Railway from Mysore to Gubbi, be credited towards the Famine Loan, with effect as regards interest, from 1st July 1886.

Govt of India Off. Memorandum dated 25th August 1887.

Note - We have no information as to how the last named figure was arrived at - In a Memorandum dated 26th June 1886, I calculated the Capital Cost up to 30th April 1886 to be Rs: 68, 60, 846 - 15 - 1. To this has to be added Capital outlay in May and June - Cash

Expenditure

Expenditure from 1st May to 17th June alone amounted to Rs: 10,40,0-12-7

If Mr St. John Buchan is unable to explain how the Capital repaid, Rs: 68,60,508, has been arrived at, information must be requested from the British Government.

2. Interest. The more important question which requires an immediate settlement is in regard to the amount on which, and the date from which, the guaranteed interest is to be paid. The Durbar hope that they would only be required to pay interest upon such amount as may be actually spent, and from time to time as the same may be spent, and not on the whole amount of £1,200,000 from the date that amount was paid to the credit of the Secretary of State. I have reason to believe that this is the intention of the Government of India, as otherwise the proceeds

proceeds of the Loan would doubtless have been placed at our disposal. The point however requires definite settlement.

3. Capital raised. Another point upon which the Durbar want information is about the proceeds of the loan raised by the Southern Mahratta Company. The Debentures issued aggregate £1,200,000. I believe the debentures were taken up at a considerable premium, 4 1/2 per cent or so, and the gross proceeds I calculate to be £1,254,000. This premium was secured because the Debentures were offered to the public at 4% instead of 3 1/2 per cent as was originally proposed. I understood at the time that 3 1/2 per cent Debentures would have been taken at a discount of 5 per cent or thereabouts.

* This was what the Viceroy's telegram at the time

The proceeds of the Loan

Loan at 4 1/2 per cent premium on

£1254,000, at Rs: 14-6 per £ = Rs: 180, 26, 25

Deduct Capital outlay paid towards the Famine Debt. } Rs: 68, 60, 500

Balance Rs: 111, 65, 742

Out of this amount, required for Gubbi Harihar Extension, excluding half cost of bridge - Say — 78, 50, 00

Balance 33, 15, 742

Of this balance, after deduction of English Expenses* for the formation of Company &c, whatever amount is available is not likely to be required by the State immediately.

If the State is to pay guaranteed interest on the full amount of £1, 200, 000, the Durbar will invest in Govt. paper the balance available

* We have information that ... amount ...

under the Last para, so as to form the nucleus of a Sinking Fund for the redemption of the Railway at the end of 50 years. If, on the other hand, it is considered more advisable that the British Government should retain the Balance and not require the Durbar to pay guaranteed interest on more than the amount actually paid towards the cost of the Mysore-Gubbi line and of the Gubbi-Harihar extension, then, in that case, the interest payable should be on an amount proportionate to the actual outlay as 100 : 104 ½, or any other net premium actually realized.

In the absence of precise information requested in my letter to the Resident, dated 4th May 1887, I am unable to give more correct figures than

than those above given.

4. Exchange. It would be a convenience if the Durbar is allowed to pay the guaranteed interest at the rate of Exchange in force for the time being for English transactions of the Govt of India: this is not unreasonable, as the Contract is between the Secretary of State and the Company.

5. Accounts. The Durbar also desire the punctual receipt of Capital and Revenue accounts from the Company from month to month, in the forms in force for the time being in all State Railways.

6. Interest & earnings. I note that no call has hitherto been made upon us for guaranteed interest ~~made~~ upon Capital outlay, nor has any payment been made to us per contra on account of the $\frac{3}{4}$ net earnings to which the State is entitled.

If

7. Forecast of out-

It will be a great con-
-venience to the Durbar to
have a fore-cast of probable
half-yearly outlay on Capital
in order to arrange for the
payment of the guaranteed
interest.

8. Police charges. The Durbar
hope that juris-diction over
the line will Continue to
vest in the State, as the
Contract is one of hypothe-
-cation; the Railway is a
State Railway and the
guaranteed interest is paid
by the State itself. Juris-
-diction over the Bangalore
branch of the Madras Railway
has been transferred to the
British Government in accord-
-ance with Treaty obligation,
but the State pays no

guaranteed interest in that case. The two cases are thus quite different, - and on receipt of information regarding the Contract, the Durbar will proceed to make the necessary Police and Magisterial arrangements.

Mysore —
29th March 1888.

Dewan.

D.O.

To.

Resident

Dy. 18th. December 1888.

Transfer of jurisdiction over Mysore State Railway lands -

(21)

Police 9-88-3

No. 8

Fair Draft

Fair Draft

Fair Draft

Bangalore,
December 18— 1888

My dear Sir,

When sending you by His Highness' desire a Memorandum dated the 6th instant regarding the transfer of jurisdiction over the lands of the Mysore State Railway, I had no idea that such transfer was held to come under para 15 of the Instrument of Transfer. Last Friday, when I saw you, you were pleased to tell me in course of conversation that the provisions of para 15 of the Instrument of Transfer were applicable to this case. Since then, I have carefully studied the whole correspondence, and it is perfectly clear to my

Vide D.O. from Asst Resdt Dg 9 Jan 1889

Approved
CWV
22/12/88

mind, and it is also the opinion of the highest Officers of the Durbar, that para 15 of the Instrument of Transfer cannot possibly apply to the lands of a Railway such as the Mysore State Railway. In support of this opinion, I beg to submit for consideration the following observations: —

1st This Railway from the very beginning was intended to belong to the Mysore State, and it was originally sanctioned to be built from the Surplus Revenues of the State. (Vide Secretary of State's Despatch No 206 of 22nd May 1879 — Blue Book Mysore (1881) No 1, p. 158).

2ndly. As to the meaning of para 15 of the Instrument

of Transfer, we gather some valuable information from para 15 of the letter from the Government of India to the Secretary of State, No 26 of 3rd March 1880, which runs as follows:—.

276
page ~~131~~ of Blue Book, Mysore (1881) No 1.

"In regard to Railways "and Telegraphs in Mysore, "we have reserved power to "retain the working of them "in our own hands and to assume "jurisdiction over Railway "lands as has been done in "almost all the other States of "India. Nevertheless there "is assuredly no reason why "the internal branches of "telegraph lines which may "hereafter be constructed "should not be entrusted "to the working of the State "officials. And although "the Maharaja will bind "himself to make over, free "of cost, any land required "for a British Railway, the "transfer of plenary jurisdictio

"in such land is a point
"for future examination
"upon grounds of administrative
convenience."

The first sentence of the above Extract lays down the general rule as regards both Railways and Telegraphs, and should be construed in a way consistent with the express terms of paras 11 and 15 of the Instrument of Transfer. The second sentence of the above extract qualifies the general rule as regards Telegraphs, and the third and last sentence explains the meaning of the rule as applied to Railways. It is clear from the last sentence that the obligation to grant land free of cost, and to surrender jurisdiction over such land can only arise in respect of a British Railway. The latter further

contemplates

contemplates that, even in the case of such a Railway (i.e. a British Railway), for which the State grants land free of cost, the jurisdiction may be left to remain with the Durbars, if consistent with administrative convenience. It is thus quite clear that the transfer of jurisdiction in the case of a Railway other than a British Railway does not appear to have ever been within the contemplation of the Government of India.

3rdly. The above opinion receives confirmation from the letter to the Government of India, from Mr. Cunningham, Secretary to the late Chief Commr., No C 2 dated 17th December

page 187 of Blue Book, Mysore (1881) No 1.

1880, para 26 of which runs as follows: —

"The jurisdiction and management of the Mysore State Railway may best be left in the hands of the Native Government. It is purely a local Railway, and would require considerable extensions in the future. The Native State may be left to arrange for these, taking counsel with the Resident in regard to any loans or other financial arrangements for construction. It will be necessary, however, to obtain from the Mysore State a formal assignment of jurisdiction over the lands occupied by the Madras Railway. Such jurisdiction may conveniently be exercised by the Officers appointed to administer the Bangalore Cantonment."

Jurisdiction over Railways.

Page 189 of Blue Book, Mysore (1881) No 1.

In reply to the above recommendation, the Government of India wrote as follows:— (Para 10 of Foreign Secretary's letter to Chief Commissioner, No 92 I.P. dated 24th January 1881

"The Government of India "concur in your views "regarding the jurisdiction & "management of the Mysore "State Railway. With "reference, however, to your "remarks regarding loans "and financial arrange- "ments for railway construc- "tion, it may be worth "while to make the Maharaja's "Government acquainted "with the law (37 George III, "Chap 114, Sec 28) under "which loans cannot, in "certain cases, be negotiated "without the consent of "the Secretary of State or "the Governor-General in "Council". There is thus an Express order of the

Government of India to the effect that the jurisdiction over the Mysore State Railway lands is to remain with Mysore.

4thly. Since these orders were passed, nothing has occurred to change the condition of things, for. When the question of the extent of Supervision to be exercised by the Government of India over the Mysore State Railway came under discussion after the Rendition, the Government of India anticipated a connection with the Southern Mahratta Company's System, and possibly also, one through the Wynaad towards Beypore, and having regard to such future extensions, the Government

observed that the Mysore
Railway cannot be "looked
"upon as one of merely
"local interest, but must
"be considered as forming
"part of the network of
"Imperial Railways now
"so rapidly extending over
"the continent of British
"India. It is therefore
"desirable that the same
"amount of supervision
"that the Government of
"India deems at present
"necessary for the general
"safety of the travelling
"public should be
"extended to the Mysore
"Railway" - (Foreign
Secretary's letter to the
Mysore Resident, No 1171
I. G. dated Simla, 20th
September 1881, para 3.)
The Rules which the
Government of India

then laid down were accordingly confined to the object of securing the safety of passengers; and with the prospect of a connection with the Southern Mahratta Company at Haribar, which was then foreseen, the Govt did not even refer to the question of jurisdiction. Indeed, in Assistant Resident's letter No. 1665/341 dated 12th October 1881, communicating the above orders of Government, it was stated that "it is to be understood that in the event of the Mysore line becoming connected with the general system of Railways throughout India, the existing arrangements will be liable to alteration and may probably be considerably modified

in the direction of a closer control by the Imperial Government." Thus, with the expansion of the Railway, we were led to expect a closer control by the Imperial Govt., but never any surrender of jurisdiction over Railway lands.

5thly, As already explained in my previous Memorandum, the transaction with the Southern Mahratta Railway Company in regard to the Mysore Railway was, from the beginning, intended to be one by way of hypothecation. Under the Contract which has actually been concluded with the Company, it is not even one of hypothecation, but is merely one of a simple Agency,

the Company being the
Agents of the State for a
fixed number of years
to construct & manage
the State Railways. The
Company has borrowed
the Capital on a British
Debenture Loan which
the State is bound to
repay and for which
the State pays interest
till repayment. The
Company has the right
to construct & manage
the Railway for a period
of 46 years ending with
30th June 1932, when the
possession of the Railway
will revert to the State.
The British Debenture
Loan is redeemable by
the State at any time
after 1st March 1896, 1936
and till such redemption,
the State is liable to pay
interest upon it at 4 per cent.

From these terms of the Contract between the Southern Mahratta Railway Company and the British Govt. acting on behalf of Mysore, it is clear that the Mysore State Railway continues to be the property of the Mysore State, that the incidents attaching to a British Railway cannot attach to it, and that the Company are merely the agents of the State (through the British Government) to construct & manage the line.

It only remains for me to add that the Durbar sincerely hope that the foregoing facts will convince you that Section 15 of the Instrument

of Transfer cannot apply to the Mysore State Railway. His Highness is most anxious that the jurisdiction over the lands of this Railway should continue to vest in him in accordance with the original intention, the express order of the British Government of January 1881, and their subsequent intention as inferrible from their letter of September 1881 and the correspondence relating to the negotiations with, & final transfer to, the Southern Maharatta Railway Company.

With best regards,
Yours very sincerely

H.

To General Sir Henry Prendergast
K.C.S.I. V.C.

(22)

THE RESIDENCY MYSORE

Bangalore, 18th ~~December~~, 1888.

My dear Swain

I have received your letter of 6th December requesting me to forward for the consideration of His Excellency the Viceroy a memorandum on the question of the transfer to the Government of India of jurisdiction over the Mysore Railways, but before doing so I think it advisable to address you again

again in order that there may be no possibility of misconception regarding the matter.

The question has not arisen out of the transfer of the Mysore State Railway to the Southern Maharatta Company, and is not immediately concerned with the terms of that Contract, its solution in no way depends on the manner in which funds were obtained for the construction of

of the Railway, as the request for cession of jurisdiction would certainly have been made if the working of the line had still remained in the hands of the Mysore Government.

There can be no doubt that under the 15th Article of the Instrument of Transfer the Government of India can claim plenary jurisdiction. It is the policy of the Government of India now to require cession

cession of jurisdiction upon lines of railway in Native States which are not purely local. In pursuance of this policy, the Governor General in Council has recently obtained jurisdiction in the States of Hyderabad and Kashmir, by the free will of the Rulers, and now asks, as a favour, for jurisdiction in Mysore, not because His Excellency is sceptical about the ability of the Mysore

Courts

THE RESIDENCY
MYSORE

Courts, but simply for the sake of adminis-
trative convenience. I may mention that
the Nizam's Railway like the Mysore Line
was at first constructed solely from the
resources of the Native State.

In the Draft Notification that
accompanied my letter to you of
2nd November no claim is made to
the jurisdiction, and I trust that
you will agree with me in the opinion
that

that no loss of prestige is involved in
a voluntary cession in the interests of
Imperial Administration - a cession
already granted by the other great
Native States and one that might be
gracefully offered by the Government
of His Highness the Maharaja of Mysore
and would be gratefully accepted by the
Government of India.

With kind regards. I remain

Yours very sincerely

H. V. Pundyachi.

K. Seshadri Iyer C.I.E.
Diwan of Mysore.

2010

(23)

THE RESIDENCY MYSORE

Bangalore 9th January 1889.

My dear Sir,

Sir Harry Prendergast had just written the reply which I enclose to your letter of the 6th December, forwarding a Memorandum on the subject of the transfer of jurisdiction over the lands of the Bangalore State Railway, when he received your second letter of the 18th ultimo. He now desires

Replied - D.O. to Resdt. 9.2.89. Letter 1889.

me, in acknowledging this letter
to add by way of appendix
to his own, the following remarks
on the points to which your
second communication draws
attention. His views on these
points are perhaps indicated
with sufficient clearness in
the enclosed letter, and they are
moreover, to his own knowledge,
in accordance generally with
those which are held by the

Government of India, but without admitting that the determination of the matter rests entirely on the arguments now brought forward he thinks it advisable to enter into each point in somewhat greater detail than he has hitherto done.

In your letter now under reply, you state in the first place that the Empire State Railway was from the very beginning intended to belong to the Empire State. You then give

certain reasons which lead you to the opinion that Article 15 of the Instrument of Transfer was not framed to apply to railways belonging to the State; and hence you argue that that Article 1 is inapplicable to any question concerning the jurisdiction on railways other than those constructed by the British Government. Without wishing to controvert the first position in regard to the intended

ownership

ownership of the Mysore State Railway. I am desired by Sir Harry Prendergast to say that he must confess that he remains unconvinced by the arguments you have used in regard to the Instrument of Transfer. The passage you have quoted from the letter from the Government of India to the Secretary of State, No 26 dated 3rd March 1880, in which it is

stated that power has been
reserved to "assume jurisdiction
"over Railway lands, as has been
"done in almost all the Other
"States of India" only confirms
the Respondents views in this
matter. He cannot entertain
the idea that, in so important
a document, the absence of
any qualification to the term
"Railway lands" was an oversight,
or that the last clause of the

paragraph which really deals with a different subject, can be taken to limit the natural interpretation of the words in the first sentence.

It is true that as a result of the Correspondence of 1880-81 to which you have alluded in your 3rd head, the jurisdiction on the Mysore State Railway was left in the hands of the Native Government, but the

I cannot see how the last sentence of para of letter No 9 of 3 March No. 26 of 1880 can be regarded otherwise than as an explanation of the scope & effect of para 15 of the treaty —

very. fact that the question of assuming jurisdiction was discussed presupposes the right of the Government of India to assume it, if so advised. The grounds on which the right was not then claimed were that the line was a purely local one and only served local interests; but in 1884 the possibility of extension was foreseen, and as a corollary of this, the prospective restriction of

No. question as. Assumption of jurisdiction was never discussed in "Control" which is a very different thing was alone discussed "Control" alone was contemplated, but now Entire Control has been assumed.

THE RESIDENCY
MYSORE

He confounds "jurisdiction" & "Control"

of claiming the right of jurisdiction. Sir Harry Prendergast is not convinced that "nothing has occurred to change the condition of things" since the orders of 1881 were passed. On the contrary, the possibility then foreseen has become a fact. The restrictions which were anticipated are to a large extent realised, and the present Correspondence is merely a result

of the development of the line and its connection with the Imperial railway system. The letter referred to in your fourth head (No 1171 I.G. dated 20th September 1881 from Foreign) does not appear to Sir Harry Prendergast to affect the question of jurisdiction. In this letter the subject is passed by, but it is not therefore to be supposed that the silence of the Government

of India implied any relinquish-
ment of the position which they
maintain in Native States in
regard to this important matter.

With regard to the 5th head of
your letter under reply, Sir Harry
Reid-gate trusts that his letter
of the 18th inst: will serve to
convince His Highness that the
request which has now been
made is quite independent
of the transactions between
the Imperial State and the Southern

Mahratta Company. On this
point he does not require me
to add any further remarks.
He desires me, however, to point
out that from the initial clauses
of the Indenture made on the
31 August 1887 between the
Secretary of State and the Southern
Mahratta Railway Company, it
appears that the British Govt.
is constructing and working through
the Southern Mahratta Railway
Company all the railways in

4

THE RESIDENCY MYSORE

in Mysore except the Bangalore Branch of the Madras Railway and that the lands necessary for this purpose have been granted free of charge by the Maha Rajah of Mysore in accordance with the 15th. Article of the Instrument of Transfer. Under these circumstances it seems to the Resident to follow that His Highness is bound, if so required, to transfer to the

he had nothing to do with the Draft of the Indenture. The first opportunity the Durbar had of seeing it was in "Grant of lands" which certainly be taken as implied by the circ[s] of the transaction, this expression does not exist. The Surrender of jurisdiction is not stated & what we now ask is that such Surrender may be waived.

Governor General in Council
plenary jurisdiction within
such lands.

Sir Harry Prendergast has
thought it the best course,
both in the interests of the
Empire Service and of the
Government, to state his
own views as above in
regard to the particular points
raised in your letter, but he
does not feel assured that

they cover the whole ground in debate. He would point out that, whatever construction may be put upon terms or words the salient feature in the policy of the Government of India towards the Bangpore State Railway has been its desire to make "no marked departure from the broad general principle under which all the railways in India are now controlled" It has never been the intention

"Control" different from "guarantee"

of the Government to make any exception in the case of the Imperial Railway, and it may safely be inferred that the Instrument of Transfer was not intended to contain any provisions contradictory to the professed policy.

One of the most familiar broad principles which the Government follows is to reserve to itself the power to assume jurisdiction on the railways in native States when their connection with

THE RESIDENCY
MYSORE

with other lines or their union with the network of imperial railways in India renders this course desirable on grounds of administrative convenience.

It is only on these grounds that the request has been made in the present instance, it is not by any means an unusual request: in fact the concession has already either

been asked for or has been
spontaneously granted by the
Nizam of Hyderabad and
other leading princes of India.
In fact the Gaekwar of Baroda
has already volunteered to cede
jurisdiction on the line of
railway by which it is proposed
to connect the Rajputana
and Kathiawar Railway
Systems, while jurisdiction
on the main line running

through his Territory has through his Courtesy been for a long time in the hands of the British Government.

Sir Henry Pendergast trusts that His Highness the Maharajah will understand and sympathise with his motive in thus clearly placing before you his opinion on the whole subject. He has no wish to give public expression thereto, but feels that it may

be for the interest of the State that these views should be known by the Impose Government. As he has stated in the letter which I enclose, the question of right has been purposely avoided in the official correspondence as he is confident that it will be much to the credit of the State to yield the Concession of their own accord, and

He

6

THE RESIDENCY
MYSORE

he trusts that His Highness will agree with him that in view of the well understood policy of the Government of India, the step which His Highness is now asked to take would be an additional proof of the good will and friendly feeling of the Imperial Durbar, and at the same time would in itself be very acceptable to

to the British Government.

With kind regards,

Believe me

Yours sincerely

Chas Lodwick.

as 4/14 Resident.

K. Sleeladri Esqr. Dyl. C.S.I.

Dewan of Mysore,

(24)

Political G-88-6

Draft submitted
for consideration
30/1

Madras
February 2nd 1889

Mysore Srd

Regarding the question of the proposed transfer of jurisdiction over the lands of the Mysore State Railway respt to in Sir Harry Prendergast's ~~letter~~ D.O. letter of 18 Dec 1888 and Mr Colvin's D.O. letter of 9 January 1889 His Highness the Maharaj asks me to appeal to your great experience in the Political Dept, in the earnest hope that you will be so good as to effect some Satisfactory Solution

2. The Views of the Durbar on the subject are expressed at some length in my D.O. letter of 18 Dec last and in the Memorandum forwarded with my DO letter of 6th Jan. As already stated in para 12 of the memo last quoted Her Highness with

(24)

Political G – 88 – 6

Draft Submitted
for consideration
30/1

Madras
February 2d 1889

My dear Sir

Regarding the question of the proposed transfer of jurisdiction over the lands of the Mysore State Railway respecting which Sir Harry Prendergast's D.O. letter of 18 Dec 1888 and Mr Colvin's D.O. letter of 9 January 1889 His Highness the Maharaja asks me to appeal to your great experience of the Political Dept, in the earnest hope that you will be so good as to effect some satisfactory solution.

2. The views of the Durbar on the subject are expressed at some length in my D.O. letter of 18 Dec last and in the memorandum forwarded with my D.O letter of 6th Idem

[illegible] already stated in para 12 of the memo last quoted His Highness with

His Highness does not wish to add to them in any way, beyond making the following brief observations on two or three points in Mr Colvin's letter above quoted, ~~but~~ ~~desires to submit the following~~

(a) In para 15 of letter No. 26 of 3rd March 1880 from the Govt. of India to the Secy of State the last Sentence runs as follows: "And "although the Maharajah will bind himself to make "over, free of cost, any land required "for a British Railway, the transfer "of plenary jurisdiction in such land "is a point for future Examination upon grounds of "administrative Convenience".

Sir Henry Prendergast thinks that this Sentence refers to a different Subject, but His Highness is unable to see how it can be regarded otherwise than as an Explanation of the Scope & intended Effect of para 15 of the Instrument of Transfer. ~~His Highness~~ Moreover it was this Explanation which was before the Secy of State when he accorded

the Sanction of Her Majesty's
Govt to the Instruments for
Transfer as a Whole.

(b) Para 10 of Foreign Sec's
letter No 9 of 28 Aug 3rd June 6th
1887 to the late Chief Comm.
was [illegible] with
reference to the Concurrence
of the Govt of India
in Sir James Gordon's
views regarding the juris-
diction & management
of the Mysore State Railways.
This Concurrence was not
based (as stated in the
Colonial letter) on the grounds
that "the line was a purely
"local line & served only
"local interests" for Sir
James Gordon ~~had~~ viewed
that it was a purely
local Railway & would
require considerable
extensions in the future &
It may be presumed
that the orders of Govt were
based upon this recent

Vide page 339
of Blue Book.

made Specific mention
which ~~to is to cease~~
of ~~limits~~ Considered future extensions.
The extensions which are now being accomplished
~~are effected~~ cannot
therefore ~~give rise to~~ be
~~transfer~~ said to give rise now to a transfer of
jurisdiction. And this
view receives some Supp.
port from the Omission
of this important subject
question, when the Imperial
Parliament Govt. ~~Govt~~
had to pass orders
regarding Dept. Control
over Mysore Railway
(Govt of India letter
No. 928 of 24 January
1881 para 10).

(c) Mr Colvin's letter,
reports the Indenture
of 31 August 1867, says
"It appears that the British
Govt is constructing and

alter the case as to

working through the Southern
"Mahratta Railway & the
"Railways in Mysore Except
"the Bellingalore Branch of the
"Madras Railway, & that the
"lands necessary for the purpose
"have been granted free of charge
"by the Maharaja of Mysore in accordance
"with the 15th Article of the Instru-
ment of transfer".

I have not been able
to find any passage
in the Indenture in question
which can be construed
as having such a
meaning. If the
reference be to the
2d. clause of the
preamble of the said
Indenture, all I have
to say is that the
arrangement recited
therein is the one of
transfer of the Railways
to the S.M.R.C. on
1st July 1886. The
existing Railways from

Niagara & Gulch
was on that date
actually transferred
and the transfer of
the land required for
the extension to Hamilton
Could be said to
have accompanied the transfer of the Existing Railway
~~it~~ as necessary incidental.
Caution - The Govt. ~~[redacted]~~
~~[redacted]~~ regarded this
transfer as one made
for a specified consideration
and not as a grant
of land free of Cost
under S. 15 of the
Instrument of Transfer.
and (d) In this Connection
I may perhaps be
allowed to ~~[redacted]~~ say
that the Draft Notice
which ~~Contemplates~~
accompanied Your
Office letter No. 3666
479-5

of 2nd Nov. 1888 Contem-
plates not merely
the Grant of jurisdiction
over lands of the Mysore
State Railway from
Mysore to Kankanhalli, but
over all lands which
may hereafter be
occupied by the Mysore
State Railway or other
line of Railway. H. H.
feels sure that you
will agree with him
in the opinion that
this is a very large
question, which
probably
larger than
Sir Harry
Prendergast
hereafter
intended to
~~thought~~ but he is
inclined to believe
that there is ~~some~~ a
mistake somewhere
or that the Darbar

recent in possession
of the entire Correspondence
on the Subject

3. Having made the
foregoing observations
on the more salient
points of Mr. Colvin's
letter, His Highness
~~desires~~ asks me to add
that he has no
desire whatever to
discuss the question
~~from the points~~
as one involving
a consideration of
rights & obligations.

His Highness is
fully aware of the
desire of the Govt. of
India to make
"no marked departure
"from the broad general
"principles under which

* pointed out in
Mr. Colvin's letter

all the Railways in India are now Controlled". H.H. has however always been under the impression that the uniformity ~~that~~ thus insisted upon had ref^ce to Management and Control as ensuring the Safety of passengers and not to jurisdiction — His Highness has learnt & believes that as regards jurisdiction over Railway lands in Native States the practice has varied according to the circ^ces of each case.

vidual Case, and as
the Nyasa State
Railway (more than
the Railways in
any other native States) is
entitled to Special
~~Con~~ indulgent
Consideration at
the hands of the
British Govt, H.M.
is anxious that
~~to the~~
a full Statement
of the whole of the
facts should be
submitted for
the Consideration
& final Order of
His Excellency

The Viceroy.

His Highness will accordingly feel much obliged to you for such support as your Varied Experience & your knowledge of the Conditions of other Native States may enable you to give to his representations in these matters, & for any Satisfactory Settlement which you may be able to effect.

30/1/59

To visit for 8 days 8 Nov.

As you may be able to give to his representations, and

(26)

No 12

Police 9-88-7

Ootacamund
20th May 1889.

My dear Sir,

Draft
Subt. for
approval. by
20/5/89

In continuation of my D.O. letter dated 2nd February last on the question of Railway jurisdiction in Mysore, His Highness the Maharaja asks me to inform you that he is most anxious to do everything in his power to promote administrative convenience. With that object, he is prepared to form a separate but suitable Railway Police and to place the same under the immediate control of a qualified European Officer who will be invested with the powers of a 1st Class Magis-trate and will be able to take cognizance of all offences committed within the limits

Approved
CAV Ll
21/5/89

of the Mysore State Railway- the officer selected could be invested with the powers of a Justice of the Peace by the British Government, so as to prevent the possibility of any inconvenience whatsoever, owing to jurisdiction on Railway lands being left with the Durbar. We can constitute, if necessary, the whole of the Railway lands into a separate District, making the European officer selected the Magistrate of such a District- Perhaps it would be more convenient if we placed one section of the Railway- say from Harihar to Tiptur- in the Kadur District which has a European Dy Commissioner and District Magistrate, and the remainder (from Tiptur to Bangalore and Bangalore to Mysore) as a separate District under

a Special European District Magistrate at Bangalore – The Special Railway Magistrate would be under the two District Magistrates above named as regards the Sections of the Railway under their respective jurisdiction – In some such way, the Durbar can promote administrative convenience to the highest degree possible and the arrangement proposed would be far more convenient to the Railway and to the Public than the exercise of jurisdiction on a Railway line of 300 miles by any authority outside the Province, or even by an authority stationed at any one point within the Province.

His Highness asks me to add that he will be quite

ready to do whatever may be
necessary to give full effect to such
a scheme so as to make the
Durbar's exercise of jurisdiction
on Railway lands as efficient
and satisfactory as if the same
were in the hands of British
officers -

British Indian Criminal
and other laws including the
Railway Act have been in force
in Mysore for many years
and the Durbar are ready to
introduce any additional
laws which may be considered
necessary for obviating adminis-
-trative inconvenience from
any point of view.

In the Madras Presidency,
I understand there is only
a Railway Police under a
special officer, but no special

Magistrate to take cognizance of offences on the Railway - In Mysore, we are not only prepared to adopt a similar arrangement as regards the Railway Police, but will also empower the Special Police Officer to be appointed, as a Police Magistrate, or if considered preferable, we may have such an Officer as an independent District Magistrate, or may place him in subordination to two European District Magistrates - In fact, the Durbar will gladly adopt any measures which, in the opinion of the Govt of India, are calculated to ensure administrative convenience.

With best regards,

Believe me,

Yours very sincerely

M.

F. Col: Sir Oliver St John K.C.S.I.

Police 9 (15) 88-8

No. 1012

479,8

9

FROM

THE RESIDENT IN MYSORE.

TO

K. Sheshadri Iyer Esquire C. S. I

Dewan of Mysore

Dated Bangalore, 2nd April 1891.

SIR,

On the 20th May 1889 you wrote to me demi-officially on the subject of Railway jurisdiction in Mysore, detailing the arrangements His Highness proposed to make in order to make the Durbar's several of railway jurisdiction as efficient and satisfactory as possible. These arrangements have been efficiently and loyally carried out; and no cause of complaint has arisen. But, since that letter was written the subject has been very carefully considered by the Government of India, and it has, I regret to have to inform you, felt itself compelled to com-

to

to a decision adverse to the wishes of the Durbar.

It has been finally resolved that it is absolutely necessary, as a question of Imperial policy, that the Government of India should exercise control over any railway in a Native State which forms part of a line of Continuous Communication, and in order to exercise that control must have jurisdiction over it.

Some of the main reasons for this decision are:—

(a) The delay in the administration of justice which would occur in cases where the Native States had to apply for extradition from British territory, disappears when the jurisdiction is in the hands of the Government of India.

To take away jurisdiction is a radical remedy for delay.

(b) Were jurisdiction not ceded, it must be divided; for the Indian Railway Act of 1879 (see section 1) extends to subjects of Her Majesty on all railways in Native States, independent of whether jurisdiction over the railway has or has not been ceded by the Native State Concerned.

So does the Extradition Act as regards British subjects throughout any native State. Put in [illegible]

(c) In no case could the Courts of the Native State try European British subjects, which term

includes

includes most Evasions. (Vide Act X Section 4, clause (4)) and, if jurisdi
were not ceded, it would happen
European British subjects and other
when jointly charged with the same
offence, would be tried apart by dif
Courts and under different laws.

(d) To lines over which jurisdict
is ceded, the Indian Railway Act is
applied, and uniformity of procedure
is thus obtained. Were jurisdiction
not ceded each State would have to
try to frame an adapted Railway
act, whereby uniformity of procedure
on the different lines would be consi
=derably impaired.

2. There is nothing in the slightest
degree derogatory to the dignity of the
Mysore State in this decision. The
United States of America are, you are
no doubt aware, absolutely Sovereign
each within its own limits, each making
its own laws, electing its own governor
its own representative assembly and

it.

Rep. 2

town judicial officers, yet, as a
matter of administrative convenience,
every one of the United States has found
necessary in the public interest, to
cede jurisdiction over its railways to the
Federal Government of the Union.
Canada, the several states of which are
similarly independent, has recently had
to follow the example of the United States.

The Nizam's Government, you
are no doubt aware, has already ceded
all jurisdiction over the Hyderabad
lines. Under these circumstances His
Highness' Government will I trust see
the necessity of ceding jurisdiction over
the lines now worked by the Southern Mahratta
Railway. I shall be obliged to you for an
early reply to this letter; and shall be glad
to discuss with you at any time the details of
transfer, and the arrangements I propose
for the future.

I have the honour to be
Sir,
Your most obedient Servant

Resident

Police
9-8/8

Office of the Dewan of Mysore
Dated 20th August 1891.

Corrected

(32)

Letter No 7

To

The Resident in Mysore

Sir,

I am directed by His Highness the Maharajah to acknowledge the receipt of Col: Sir Oliver St. John's letter No. 1012 / 479-8 dated 2d. April 1891, communicating the decision of the Government of India regarding the transfer to the British Government of jurisdiction (civil, criminal and Police) over the Mysore State Railway, and in reference to your conversation on the subject, first with myself and afterwards with His Highness the

24/8/11

Maharajah and subsequent Demi official correspondence", I am directed to submit the following points for the consideration of the British Government.

2. His Highness asks me to thank you for agree- -ing to submit to the Govern- -ment of India a further representation on the subject in full detail, and in making now this represent- -ation, His Highness asks : to add that, should i Imperial Government r consideration of all circumstances now to represented, finally ide that the jurisdiction the Mysore State Rail- y must hereafter be

vested in itself and not in His Highness as heretofore, then in that case, His Highness will loyally give effect to such decision in this matter, as indeed in all matters pertaining to his relations to the British Government.

3. With these preliminary remarks, I am to say that the discussion regarding Railway jurisdiction has hitherto been of a fragmentary character and it is therefore desirable to submit to His Excellency the Viceroy a brief review of the past history of the State Railway, which it is hoped, will convince His

Excellency that the transfer of jurisdiction now asked for will bear with undue and exceptional hardship upon the Durbar.

4. The first section of this Railway, viz, — Bangalore to Mysore, ~~86~~ 86 miles, was commenced and partly constructed during the British Administration out of State Funds under the authority of the Secretary of State's despatch of 22nd May 1879. On the date of Rendition (25th March 1881) 42 miles were open for Traffic and the outlay amounted to Rs. 25, 19, 198 - ~~Since~~ The Durban ~~has~~ Completed the Section by 25 Feb 1882 and ~~Rendition, the expenditure from time to time incurred by the State (partly out of~~

13

partly out of current
Revenue and partly out
of a local Railway Loan
of 20 lakhs contracted in
August 1882, they were
able to carry their Rail-
-way first to Tumkur
and afterwards to Gubbi,
but its further extension
towards Tiptur (an exten-
-sion which the Darbar
were most anxious at
once to carry out and
for which they had
ample funds at their
disposal) was stopped
by order* of the Govern-
-ment of India pending
a settlement "with regard
"to the whole subject
"of the General Railway
"System and the financial
"position of the Mysore
"State."

* Vide Resident's
letter No 1071/172 of 14th
August 1884.

5&. In the meantime Sir Theodore Hope (D. P. W. member of the Government of India) had visited Mysore and started the idea of a hypothecation of the State Railway to the Southern Mahratta Railway Company and the repayment of the Famine debt due to the British Government out of money to be raised by such hypothecation . — Sir Theodore Hope's visit was in November 1883 . During this visit at a conference held at the Residency, the general financial condition of

Mysore, the enhanced subsidy, the Famine debt and Railway extension, all came under discussion.

The Durbar quite dis-approved of the proposed hypothecation of its Railway to the Southern Mahratta Company as being of distinct dis-advantage to them and they submitted, in February 1884, for the consideration of the Government of India, a Memorandum on the Finances of Mysore and certain proposals for carrying out the extension of its Railway up to Harihar. These proposals called "the Dewan's scheme" in the

5

subsequent correspondence were considered along with what is known as "Mr. Hopes' scheme" (Vide Major Beebie's Memo dated 17th June 1884

6X. In a joint Memo by the Dewan and the Mysore Consulting Engineer dated 25th August 1884, the Durbar pointed out how "Mr. Hopes scheme" was very disadvantageous to the Durbar and how "the Dewans scheme" might easily be modified so as to make it more acceptable to the Government of India. The Government of India

however, still thought that "Mr. Hope's scheme" was the best for Mysore and the Durbar were called upon to accept it (Vide D.O. correspondence between the Resident and the Dewan in October and November 1884. and January 1885). The Durbar most earnestly deprecated the proposed arrangement with the Southern Mahratta Railway Company. and offered, if permitted, to carry out the pro-
-posed extension themselves by means of

a loan from the public.
And as a last resort
they begged for at least,
some modification of
"Mr. Hope's scheme" so
as to make it less
disadvantageous to
them. The disadvantage
of "Mr. Hope's scheme
thus submitted to
the Government of
India consisted in

1st. The Durban
being asked to hand
over to the Southern
Mahratta Railway
Company, the 140
Miles from Mysore
to Gubbi already
Constructed by the
State and being

required to pay ¼th
net earnings on this
length; and

2dly The Durban
being required to
substitute in place of
the Famine debt due
to the British Government
an equivalent debt to
the Southern Mahratta
Railway Company.

7. The Famine debt,
under arrangement
sanctioned* by the Govern-
-ment of India, was
bearing interest at
4% and was re-
-payable with such
interest in 41 years
by easy annual
instalments of 4 lakhs
of Rupees, whereas

* Letter No. 167 F.P.
dated 14th March 1882

I

the debt due to the Southern Mahratta Railway Company would not only bear interest at 3½ per cent (subsequently raised to 4 per cent) but also involve the payment of a quarter share of net earnings of the entire Railway. The payment of such quarter share was an additional new burden at least in respect of the 140 miles constructed by the State, ~~which~~ as this length, ~~would ordinarily be worked at so much per cent of gross~~ ~~earnings~~ and, as recently

~~it was usual with~~ Could be leased to the Railway Company to be worked without any share of profit & for a ~~fixed~~ percentage of Gross Earnings fixed so as to cover actual Expenses.

the Famine debt which was being gradually repaid under the favor-able arrangement of March 1882, did not press for payment and there was no need for immediately repaying it by borrowing from the Southern Mahratta Railway Company on less favorable terms.

8. The Government of India eventually required the Durbar to accept Mr. Kopel's scheme and made such accept-ance a condition pre-cedent to the postpone-ment of the enhanced subsidy of 10 1/2 lakhs for a further period of 10 years

from 1886-87, though the Government of India were themselves pleased to regard such a postponement as really required on the ground that the Revenue of Mysore was not so large as was anticipated at the time the amount of the enhanced subsidy was fixed (Resident's letter Camp No. 1, dated 17th June 1885). The Durbar had thus to decide which alternative to accept, namely, whether —

(1). To accept "Mr. Hope's Scheme" and, along with such acceptance, to receive the Concession of a further postponement of the enhanced Subsidy for few more years,

or

(2) To refuse to accept "Mr. Hope's

Hope's scheme and
pay the enhanced sub-
-sidy from 1886-87.

9 For obvious reasons,
the Durbar decided to
accept the former alter-
-native (vide Dewan's
letter to the Resident no
16 dated 3rd July 1885).

10 "
10. Mr Hope's scheme,"
which came thus to be
accepted by the Durbar,
contemplated, among
other things, first of all
direct Contract between
the Durbar and the
Southern Mahratta Rail-
-way Company with full
powers of audit and
Control to the State and
secondly a rate of interest
on Capital to be raised
by that Company at 3½ %
per annum. On both
these points alteration

was

was made by the Govern-
-ment of India without
the consent of
~~reference to~~ the Durbar,
that is to say,

First, the Contract was
made between the Com-
-pany and the Secretary
of State, on the ground
that in that way the
Durbar could get better
terms, but with the eventual
result of the Durbar
losing all practical
Control over the manage-
-ment, and

Secondly the rate of
interest was made 4 %,
instead of 3½ % which
was the rate the Durbar
had agreed to.

11. On the 28th April 1886,
by telegram from the
Resident, the Durbar were
asked to give possession
of the Railway to the South-
-ern Mahratta Railway
Company

Company and were informed that the terms of Contract with the Company were still being considered in the India Office. On representation that the transfer of possession before a definite conclusion of Contract would be disadvantageous to the Durbar, the Government of India observed -

"The Secretary of State has already entered into Contract with the Southern Mahratta Railway Company and funds have been raised by the Company on the strength of the Contract. The Secretary of State concluded the Contract in virtue of the authorization given by the Durbar and has obtained the best terms he could

* Vide Resident to G.G. letter of 19th June 1886.

"Could for the Durbar. The
"time for the discussion
"of minor details is past.
"In this matter, the Secretary
"of State has acted as he
"would in Contracts on
"behalf of the Government
"of India which never
"has the opportunity of
"discussing minor details,
"nor in fact could do so
"effectually at a distance."

12. After this explanation the Durbar abstained from further discussion and handed the Railway over to the Company on 1st July 1886.

13. That the financial forecast of Mr. Hope's "Scheme" has not been realized will be evident from the following Comparative Tables:—

13. ~~That~~ the financial anticipations entertained ~~forecast~~ of the Hobart Scheme have not been realized, ~~will be evident from the following Comparative~~ as on the one hand the net earnings of ~~Dublin~~ the Railway ~~has~~, during the ~~first~~ five years since ~~its~~ opening, since the transfer, have been far below the Estimated figures ~~and~~, and, on the other, the annual payments of the Company have been far heavier than were originally Calculated &c.

14. The circumstances as above briefly narrated under which the entire State Railway was transferred to, and is being worked by the Southern Mahratta Railway Company will, His Highness hopes, have some weight with His Excellency the Viceroy in the final decision of the question of jurisdiction. The Durbar have been informed that the transfer of jurisdiction to the British Government has no necessary connection with the transfer of the Railway solely to the Southern Mahratta Railway Company under Contract for a definite term, ~~but the latter, in the circumstances under which it was effected is, it is submitted, some ground~~ for

* but the circumstances under which the transfer was effected will, it is submitted, furnish some ground for exceptional treatment on the question of

of jurisdiction.

15. The Durbar may perhaps be permitted in this place to advert to the previous orders of the British Government in regard to Railway jurisdiction in Mysore. although in so doing I may have to repeat some arguments relied upon in previous letters

16. The first order on the Subject is Contained in Proceedings of the Government of India No. 2600 dated 22nd November 1877, wherein were laid down the Conditions on which the lands required for the Bangalore branch of the Madras Railway were to be held and "on which other lands that may be required by the British Government for Railway purposes in Mysore are

to

"to be given up by the
Mysore State."

One of the conditions thus
laid down was "That
"full jurisdiction in such
"lands, short of sover-
-eignty rights, shall be
"ceded absolutely to the
"British Government."

17. In letter No 828 P
dated 24th April 1878,
the Government of India
requested the late Chief
Commissioner of Mysore
to record in his Office
the Proceedings of 22nd
November 1877 "as Con-
"taining the conditions
"upon which lands already
"made over by the Mysore
"State for Railway purposes
"to the British Government
"are held and on which
"other lands that may be
"hereafter given for Rail-
"way will be made over

"over by the Mysore State.

18. The words "lands
"required by the British
"Government for Railway
"purposes in Mysore"
would apparently apply
to a British Railway
in Mysore and not to
a State Railway Con-
-structed by and belong-
-ing to the State, ~~and not~~
~~required for Imperial~~
~~purposes~~. Indeed, in letter
dated 3rd March 1880,
from the Government of
India to the Secretary of
State which explained
the terms of the Draft
Instrument of Transfer
the following passage
occurs:—

"And although the
"Maharajah will bind
"himself to make over

free

"free of cost any land
"required for a British
"Railway, the transfer of
"plenary jurisdiction in
"such land is a point for
"future examination
"upon grounds of admi-
"-nistrative Convenience."

19. Here the words "British Railway" were actually used and therefore the imperial policy is quite clear in regard to the transfer of jurisdiction within lands required "for a British Railway" or "by the British Go-
"-vernment for Railway
"purposes in Mysore"

20. Para 15 of the Instrument of Transfer is however not so clear, for it refers to a Railway in Mysore which the British Government may at any time desire

to-

to Conduct or work by itself or otherwise", but it is submitted that this para is Conducable in the light of the explanation contained in the letter of 3rd March 1880 and this explanation was before the Secretary of State when he accorded his sanction to the Instrument of Transfer in Despatch dated 12th August 1880.

21. Upon after receipt of this despatch, the Government of India wrote on 25th October 1880 to the late Chief Commr in regard to several matters connected with the Rendition of Mysore and the terms of the Instrument of Transfer and the Chief Commr in replying

114

replying to this letter,
* wrote as follows on the
subject in question:—

"The jurisdiction and
"management of the
"Mysore State Railway
"may best be left in the
"hands of the Native Go-
"-vernment. It is purely a
"local Railway and would
"require considerable ex-
"-tensions in future. The
"Native State may be left
"to arrange for these, taking
"counsel with the Resident
"in regard to any loans
"or other financial arrange-
"-ments for construction.
"It will be necessary, how-
"ever, to obtain from the
"Mysore State a formal
"assignment of jurisdiction
"over the lands occupied
"by the Madras Railway.
"Such jurisdiction may

Conveniently

* Letter dated
Calcutta 17th Dec.
1880.

" Conveniently be exercised by the Officers appointed to administer the Bangalore Cantonment."

22. In passing orders on the various points Connected with the Rendition set forth in the above letter, the Government of India expressed their Concurrence with the Chief Commissioner's views "regarding the jurisdiction and management of the Mysore State Railway". This, it will be observed, was several months after the Instrument of Transfer had been prepared and had received the approval of the Secretary of State and from the absolute and unqualified Consent given as above by the Government of India in their letter of 21th January

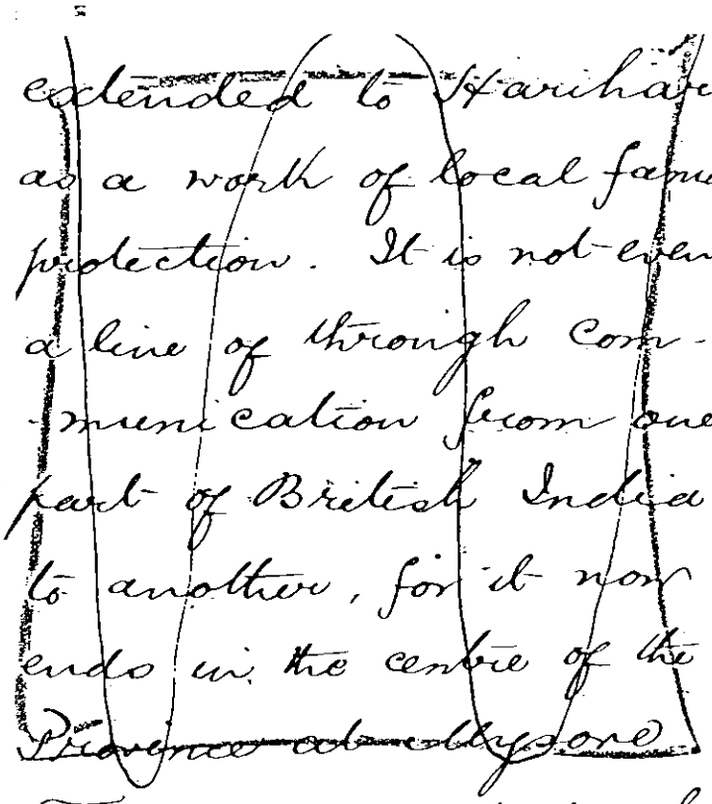
* Letter no 92 I. P. dated 21th January 1881. C

January 1881, to the jurisdiction and management of the Mysore State Railway remaining in the hands of the Native Government, it seems fairly inferrible that the Mysore State Railway was not regarded as coming within the category of Railways in respect of which it was a part of the Imperial policy to require a cession of jurisdiction ~~since the Consent was given nothing has~~ apparently happened to change the character of this Railway: for its mere extension to Harihar could not convert it into one required for British purposes.

23. For various Imperial purposes, such as the securing of a short line of communication

Communication from one part of India to another, for the facility of military transport &c, the British Government may have occasion to devise a Railway in Mysore Territory and, in respect of any such Railway, the Maharajah will of course most gladly not only cede jurisdiction but do whatever else may be required of him. But is the "Mysore State Railway" one that is required for an "Imperial purpose" in any sense of the term? It was first designed to connect the administrative and ceremonial capitals from reasons of the Durbar's administrative convenience and it was afterwards

extended



extended to Harihar as a work of local famine protection. It is not even a line of through communication from one part of British India to another, for it now ends in the centre of the Province of Mysore

~~That extension to Harihar was foreseen when in January 1881 the Government of India gave its Consent to the jurisdiction and management remaining with the Native Government~~ and therefore such extension when actually carried out could not by itself give rise to the necessity of transfer of jurisdiction.

23 When this letter of January 1881 was written by the the possibility of an Extension of the Mysore State Railway towards Harihar was foreseen

24. Shortly after the Rendition

Rendition, the Resident, in his letter of 28th May, 1881, asked the Government of India "how far if at all the details of the management of the Mysore State Railway are to remain under the supervision of the Government of India". The Government of India in reply stated +

2. "It is not the wish of the Government of India to interfere in the management of the details of the railway, but a certain amount of supervision will be necessary in order that no marked departure be permitted from the broad general principles under which all the railways in India are now

controlled

+ Paras 2 and 3 of Govt of India letter No 1171 I. G. dated 20th September 1881.

Controlled.

3. "Although the Railway
"is at present of small
"dimensions and only
"serves local interests, still
"within a few years it
"may probably be ex-
"tended into other Dis-
"tricts of the State; a con-
"nection towards the north
"with the southern Mahratta
"system of railways (now
"being commenced) must
"soon follow, and an
"outlet through the Wynaad
"towards Beypore will
"eventually be made. The
"Mysore Railway cannot,
"therefore, be looked upon
"as one of merely local
"interest, but must be
"considered as forming
"part of the net-work of
"Imperial Railways
"now so rapidly extending
"over the Continent of British
"India. It is therefore
desirable

"desirable that the same
"amount of supervision
"that the Government of
"India deems at present
"necessary for the general
"safety of the travelling
"public should be ex-
"-tended to the Mysore
"Railway."

25. These orders of the Go-
-vernment were passed
under circumstances
that would ordinarily
be expected to have elicited
an expression of their
opinion as to the future
possibility of a cession
of jurisdiction, had the
extension ~~beee~~ to Harihar
been then regarded as
likely to involve the
same. But the Durbar
were merely led to expect
that an extension to
Harihar might necessitate
a

25. These orders of the Govern
-ment were passed under
circumstances that
would ordinarily be
expected to have elicited
an expression of their
opinion as to the future
possibility of a cession
of jurisdiction, but
the extension to Harihar
been then regarded
as likely to involve
the same. But the
Durbar were merely
led to expect that
an extension to Hari
-har might necessitate
a closer supervision
by the Imperial Govern
-ment as to ensure
the general safety of

the travelling public,
but they ~~were never~~ had no reason
~~to~~ to believe that
any surrender of juris
-diction would ever
be regarded necessary
as the result of the Durbar
extension. ~~to Harihar~~
~~And~~ It was under
these circumstances
that the Durbar extend
-ed the State Railway
first up to Dumkur
and afterwards up to
Gubbi as initial steps
towards a connection
with the Southern
Mahratta Railway
System at Harihar.

24A

26. Similarly the Durbar have had a more recent indication as

~~26. Similarly a more recent assurance as~~ to the wishes of the Govt of India in the matter of Railway jurisdiction, ~~has induced the Durbar to take a fresh step towards further Railway Extensions in another direction~~ at the Conference held at the Residency on 3d November 1889, between Sir Charles Elliot, Col. Sir Oliver St John and myself when the future programme of Railway Extensions in Mysore was discussed. I took occasion to refer to the pending question in regard to Railway jurisdiction.

for the construction of the Bangalore - Kindapur Railway has since been commenced.

Subsequent to the first letter from the Resident regarding cession of Railway jurisdiction and which the subject was still under consideration

~~which is the opinion of the~~
~~Durbar had no exception~~
~~bearing on the question of the~~
~~States Troops~~ → Sir Charles
Elliot told me "that as far
as he knew the Government
of India accepted the Maha-
-raja's jurisdiction and
did not press for any cession
of Police, Civil, or Criminal
jurisdiction to itself."

~~27~~ The Proceedings of this
Conference, which contained
the above quoted statement
were communicated to the
Government of India and
the British Resident con-
veyed to H. H. the Maha
-raja, His Excellency the
Viceroy's cordial appreciation
of the interest displayed

* D. O. letter received 2nd April 1891.

28 (S)

by His Highness in the development of the resources of the State.

27- One of the projected Railways then under discussion (named the Bangalore - Hindupur Railway) has since been started and is in progress —

~~28. The Darbar have, under such circumstances taken the Bangalore Hindupur Railway, and it is already in course of construction.~~

28. It is submitted that there exists no real distinction between the Harihar - Mysore Railway already completed and the Bangalore - Hindupur Railway, now under construction, and other

branches which the
Durbar have in
view to connect the
Gold mines, Shimoga
Hassan and Kadur;
for they all end in
various points within
the State and are all
intended to serve
local interests and
to develope the resources
of the State, and most of them to
afford protection
against famine.
If such ramifications
of the State Railway
are likely to be followed
by a cession of the Maha
-rajah's jurisdiction
in all parts of the
country which may
be traversed by it then
there is no doubt that

Separate
paper
29

Dwk

that the greatest administrative
inconveniences will result

30 The Durbar view with serious
apprehension the great weaken
ing of their hands which must
necessarily follow the inter -
-position in all directions
throughout the Country
of long narrow strips of
British jurisdiction over
which His Highness's Courts
and Police would have
no Control, and which
would tend to multiply
in the very heart of the
State the difficulties which
are experienced along its
long frontier line in the
matter of prevention and
detection of crime. —
Mr. Ricketts one of our
most experienced officers.
who filled responsible

offices under the British administration and is himself a Justice of the Peace, and has been for several years the Inspector General of the Mysore Police, has submitted a memo in some detail on the way in which the transfer of Railway jurisdiction would affect the Police administration — and I beg to append to this letter a copy of his memo.

3. I may also add that if as proposed in the draft Notification sent with the Resident's letter No. 3666 / 479-8 dated 21 November 1888 the Courts of the Civil

25

Civil and Military station should have jurisdiction over the entire system, the expense and delay involved in parties and witnesses having to travel from all points of an expanding Railway several hundreds of miles in length to the Courts in the Civil and Military station of Banga-lore would be such as often to amount to a denial of justice

definite indication of what the Imperial Authority is in regard to them.

or other future extensions of the State Railways.

~~34~~ 32 I beg now to offer a few observations on the questions relating to administrative convenience mentioned in Colonel Sir Oliver St John's letter under reply.

~~32~~ 33. He has mentioned four reasons for requiring the transfer. The first of them is that the transfer of jurisdiction will remove any delay in the administration of justice consequent upon the requirements of the Foreign Jurisdiction and Extradition Act; the ~~2nd~~ Second is that if

f jurisdiction were not
eded, it must be divided,
nd the third relates to
e trial of European British
ubjects and others when
ointly charged with the
ame offence. There is
fourth reason which I
hall notice by and bye.
But taking ~~the~~ first three reasons
n a group I would urge
hat they apply with as
much force to the whole
erritory as to the Rail-
way lines.

3½ ~~Owing to~~ The delay due to the re-
quirements of the Foreign
risdiction and Extradition
A~~t~~ ~~some delay and in~~
~~occurrence, and some~~
~~times even a failure of~~
~~justice~~

As regards the first reason it may be observed that

~~justice must necessarily arise in the administration of justice in Native States in cases which come under the purview of the act. This delay or inconvenience~~ is not peculiar or special to Railway lines alone, and it is as likely to arise in other parts of His Highness' territories as on the Railway lines.

~~34~~ 35. Section 1 of the Indian Railway Act of 1879, referred to in ~~the~~ the Second reason, as also ~~and~~ Section 1 of the Act of 1890, extends ~~those acts~~ the Railway laws to all subjects of Her Majesty in Native States. That every British subject in a Native State is amenable ~~to the~~ to the Criminal law

of

of British India, is a general principle that has always been recognized, ~~It was~~ It enunciated in the Foreign Jurisdiction and Extradition Act (Act XXI of 1879) ~~of 1879~~, ~~and has been from~~ ~~repealed in Section 8 of the Act XXI of 1879~~. Section 1 of the Railway Act therefore only serves to remove any doubt which might otherwise possibly arise as to whether the law contained in that Act is a part of the law relating to offences and Criminal

Criminal Procedure
referred to in Section 8
of Act XXI of 1879. The
law under which a British
subject committing an
offence in a Native State
is amenable before the
British Courts being thus
laid down, the place at
which he is triable is
prescribed by Section 188
of the British Indian
Criminal Procedure Code
(X of 1882) which provides
that when a ~~native~~ ~~British~~
~~subject~~ subject of Her
Majesty

'Majesty commits an
offence (an offence whether
under the Railway Act
or any other law for the
time being in force in
British India) at any
place beyond the limits
of British India, he
may be dealt with in
respect of such offence
as if it had been com-
-mitted at any place
within British India
at which he may
be

be found. Thus

B/S. (Her Majesty's

~~Indian~~ subjects committing

offences in Native States

under the Railway Act

or any other law in force

for the time being in ~~the~~

British India may be

grouped into two classes.

~~Firstly~~ - Those who

commit offences and

escape into British In-

-dian territory and

Secondly - Those in ~~the~~

which the offenders are

arrested in the State

itself. The former are

dealt

dealt with under the
Extradition Act, or Section
188 of the Criminal Pro-
cedure Code and the
latter are under the ju-
risdiction of the State
itself, Under such cir-
cumstances it is not easy
to understand what is
meant by the statement,
"ere jurisdiction not ceded
t must be divided," unless
t means that the first
roup of cases ~~might~~ would come
under the jurisdiction of
he British Indian Courts
nd the second group under
hat of the State Courts.
f this is what is meant,
hen the same argu-
-ment would apply with

equal force to offences committed not only under the Railway Act, but under any other law in force, not only on the Railway lines but all over the State.

36.
~~35~~ ~~37~~ The protection afforded to European British subjects has existed all along. With the number of European officers ~~invested with~~ in Myan appointed by the B. Govt as the powers of Magistrate of ~~1st~~ Class, and Justices of the Peace, ~~in the service of the State~~, and others that may hereafter be ~~employed~~ Similarly appointed, no inconvenience has hitherto arisen or is L. B. L. to arise in

future either in the
trial of European British
subjects or persons ac
-cused of having
committed offences
conjointly with such
subjects — in which cases Six justices of the peace

There is another
aspect of the case.
The Mysore State
Railway has been
in existence for
for upwards of
ten years, and
for the last two years
at least, has been in
Continuous commun
-ication with
Poona on one side,
and Harmagoa
on the other. No

in the Service of the Dunbar
three at Bangalore, one
at the Gold mines, one
at Mysore, one at
Chickmaglur, Kadur &c.
The last mentioned
officer, who is also
Dt. Magr. of Kadur,
— (Col J.a. Campbell
for many years Secy.
to the late Ch. Comr
and Comptr & District
& Sessions Judge during the
B. admt.) has
his jurisdiction and
the Railway line for
Tiptur & Hassan
and the Dunbar as
~~always to~~
~~the Portland to~~

place the entire Railway under one or more European Magistrates.

3/36 - The fourth and last reason given in Col Sir Olivier St John's letter under reply is as follows:-

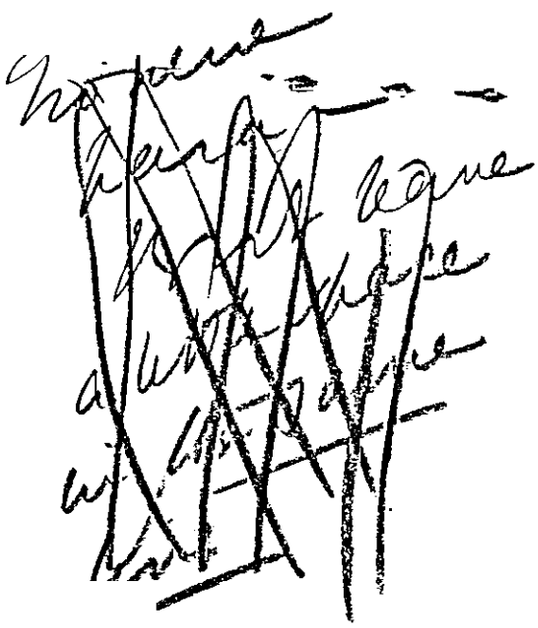
(4). "To lines over which jurisdiction is ceded, the Indian Railway Act is "applied, and uniformity of procedure is thus obtained. Were jurisdiction "not ceded, each State would have to try to frame an adapted Railway "Act, whereby uniformity of procedure on the different lines would be

To the Mysore State, however, the Indian Railway Act 1879 in its entirety is already applicable having been introduced into Mysore by the Notification of the Govt of India dated Simla 10 June 879 - In British India this Act has been superseded by Act IX of 1890

and it would
now be as
apply the latter
to Mysore without
any process of special
adaptation as it
was in 1879 to apply
the act of 1879.
In this respect
the circumstances
of Mysore are widely
different from ~~that~~ those
of ~~every~~ all other Native
States, as these would
naturally find some
difficulty in fitting
a Railway Law into their
~~their~~ Statute books,
but in Mysore no
such difficulty has
been experienced or,
can ever arise because
its laws are already
identical with those
of

of British India,
and a Railway Law
would find a place
among them (as
indeed it has done
during the past 12
years) without adaptation
and modification
likely to make it
different in any
way from that of
British India.

38. Again in the matter
of working a Railway
Law, identical with
that of British India
Mysore, unlike other
Native States, has
ready to hand the
requisite Administrative
machinery, and it
has always found
it as easy to work
a Railway Act and



Rules regarding
Railways under
Construction and
open for traffic,
accidents &c as
any Local Government
or Administration of
British India.

97. The new Railway
Act of 1890 Vests in
the Governor General
in Council various
specific powers to
ensure the general
Safety and Convenience
of the public and
the efficiency of
Railway management.
All these powers
are already exercised
by His Excellency within
the Mysore State
Railway and
cession

cession of
jurisdiction is
unnecessary to
enable them to
continue to do
so.

40. There are
certain other
matters such as
the responsibility
of a Railway
Administration
as carriers (chapter
VII) and penalties
and offences
(chapter IX) in
regard to which
civil

civil and criminal
Courts have jurisdiction.
In Mysore, analogous
provisions already
exist under the Act of
1879 (Chapters III & IV)
and the jurisdiction
thereunder is exercised
by the courts of the State.
The Darbar ~~are also~~
prepared to enlarge
and modify these
provisions so as to
make them identi
-cal with those of the
Act of 1890, as also to
do whatever else may
be necessary to make
the law in Mysore the same
as that of British India.
The Durbar will further
guarantee that Jurisdic
-tion under a Mysore law
identical with Chapters
VII, VIII, and IX of the Act
of 1890 will always be exer-
cised by their civil and

and Communal Courts in such a way as to cause no inconvenience either to the Railway administration, the public or the British Government. The Courts under the various Local Governments of British India exercise the Special Jurisdiction in question, and the Courts of Mysore similarly constituted, and administering the same laws, can, ~~it is intended,~~ with Equal Safety be trusted to exercise the same in a proper and satisfactory manner.

4th. Section 134 of the Act of 1890 (like section 50 of the Act of 1879) allows of any person being tried for an offence under the Act in any place in which he may be found as well as in any other place

Separate para

~~35~~ 42.

on which he might be tried under the law for the time being in force. Whether Railways jurisdiction is ceded to the British Govt or is allowed to continue in the hands of the Maharajah the Mysore Railway Law as regards its Sources of Sanction will be different from the British Indian Railway Law. The latter will be a Law emanating from the British Indian Legislature while the former will be based upon the Maharajah's [illegible] Authority

whether exercised
by himself or by
His Excellency the
Viceroy

whether
is ceded
diversity
if any,
different
Sanction
the two
derived
to be
remedy

So that any small class
of Cases, which cannot
be dealt with under the
Railways laws of British
India or Mysore, will
remain without a remedy
Even more plenary
jurisdiction ceded
to the Govt of India.

significant
that
by
ndian
authority
remains
entirely
plenary
ceded
Viceroy

43
39 His Highness asks
me to refer in this
place to some of
the Special Circumstances
which make the
case of Mysore
so widely different
from that of every other
Native State and
Constitute its claim for an exceptional
treatment from H. E. the Viceroy in the
matter of its Railway jurisdiction.

44

During the first yrs of B adm^n all important British Indian laws were introduced into Force and an effic^t system of administering them was established — By the Instrument of Transfer the Maharajah is required ~~to account~~ not to repeal or modify these laws without the previous Consent of H.M. in Council, and but always to administer them efficiently. And Generally H.H. is expected to maintain the Govt of the State "at the British Indian Standard of Efficiency." — H.H.

~~an efficient and improved~~
~~system of Administration~~
~~and all important laws~~
~~in force in British Indi~~
By the Instrument of
Transfer, His Highness
the Maharajah is require
~~to maintain and~~ "efficient
to administer such laws
and not to repeal or
modify them without
the previous consent
of the Governor General
in Council & His Highness
~~Section~~ required to maintain
the Government of the
State" at the British India

His Highness is further required to respect the advice of the Governor General in Council in all matters "connected with the ~~administration~~ advancement of His Highness' interests, the happiness of his subjects and his relations to the British Government". With such a close and continuous ~~political~~ control ~~relationship~~ ~~matter~~ which conflict ~~of executive authority~~ of legislation is practically impossible ~~it cannot be approached~~ that uniformity of procedure is likely to be impaired by the Mysore State being allowed to retain plenary jurisdiction.

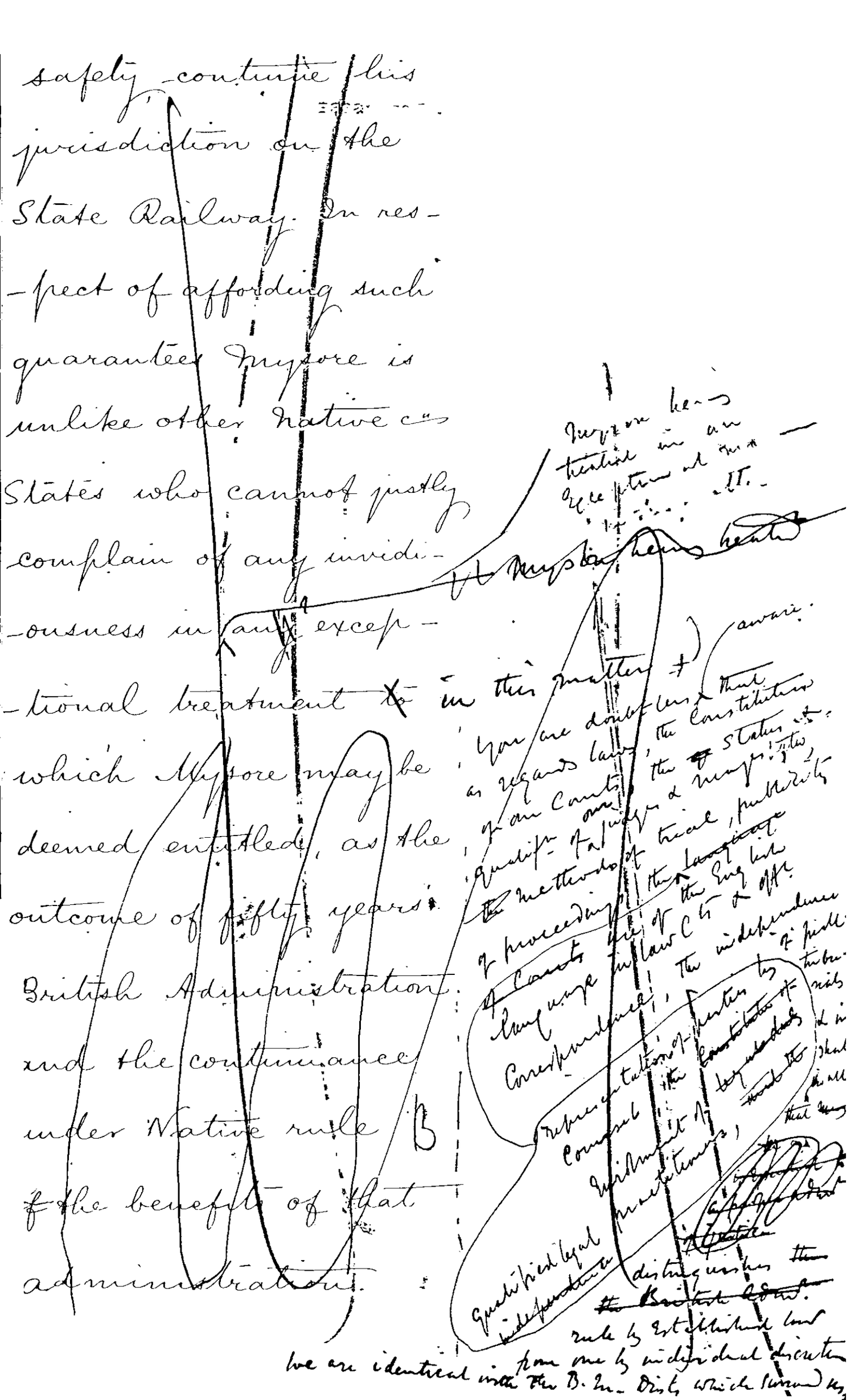
~~the Residency~~ letter to the

Link

~~or diversity of procedure~~ or diversity of procedure in so far as the Supreme Court is concerned in so far as the supreme State is concerned.

Colonel Sir Oliver St John
in speaking of the Rail-
-way arrangements "
made by the Durbar,
says "these arrangements
"have been efficiently and
"loyally carried out and
"no cause of complaint
"has arisen." And if
the identity of laws and
an efficient adminis-
-trative system are
any guarantees ~~against~~
~~miscarriage of justice~~
then the Government
of India could, His
Highness believes, in

safely continue his jurisdiction on the State Railway. In respect of affording such guarantee Mysore is unlike other Native States who cannot justly complain of any invidiousness in any exceptional treatment in this matter which Mysore may be deemed entitled, as the outcome of fifty years' British Administration and the continuance under Native rule for the benefit of that administration.


II.
You are doubtless aware that as regards laws, the Constitution of our Courts, the Courts of Justice & modes of trial, pleading & proceedings, the language of the Courts & of the Law Courts & Offices, the independence of judges & magistrates, the Courts of Justice, the Courts of Justice, the Courts of Justice

You are generally doubtless aware that as regards the Constitution of our Ct., the Status & Qualifications of our Judges & Magts., the methods of ~~our judicial~~ the trials and the independence of Judl. tribunals in short in all ~~that Constitutes the~~ Essentials of the requirements of a high Standard of Judl. admn., Mysore is identical with the British Indian Districts which surround it.—

Because other Native States ~~do not possess the~~ ~~& working a Railway law on the~~ ~~British lines, Mysore~~ may not be able to frame a Railway law on the lines of the B. I. legislature, or may not possess the agency for working it when framed, it would seem we Consideration whether ~~it would be~~ therefore Mysore ~~ought~~ which has given practical

proof of its ability in both these
matters, ~~of its Railway~~
~~jurisdiction~~ Shd. be deprived
of its Railway jurisdiction,
~~in order to obtain~~ for the sake of ~~the same~~ "uniformity of
procedure" which has hitherto
not suffered ~~by the~~ by its
exercising ~~of~~ jurisdiction ~~by~~ on the
~~the Bryson State matters~~
Railway

(whether against the Mysore Railway law or any other Mysore law specified in the schedule of the Extradition Act) the procedure by way of Extradition be provided, no practical inconvenience to the British Government or the Railway Administration is ever likely to arise, for in respect of offences committed in British India whatever their nature, all processes issued by British Courts are executed in Mysore as they would be in British India, under the authority of the Governor General's Notification No. dated which

which has the force of law in Mysore.

10— In conclusion, His Highness wishes me to explain that in setting forth his views as given in the above paras, in such a frank unreserved manner, he should not be understood to be wanting in a due sense of all that the British Government has done for him and for his State. He feels that the very fact of this question of jurisdiction being allowed to be kept open so long, is an additional proof of the exceptional consideration which the British Government has always shown to him, and he would not have attempted a further appeal to the goodness and generosity of the British Government at this length, if he

41

did not feel sure that his motive would not be misunderstood and he was not confident of his claims being patiently considered before a final decision was arrived at.

48.

~~45~~ It may not be unknown to you that the transfer of the Anchal or Local Postal System, ~~which was~~ a purely indigenous institution ~~and which was~~ closely allied with the traditions of the Mysore Dynasty, was not very popular with the subjects of His Highness. The amalgamation of this System

with the Imperial
Postal System followed
closely on the transfer
of the Mysore State
Railway, This Railway
as you
are aware, was constructed
~~by~~ under Native State
Supervision and ~~by~~ with local resources & Capital
~~Native Agency with~~
~~Capital raised almost~~
~~wholly in the Country~~,
and afforded a new
field for Native talent
and for Native adminis-
-trative capacity and
its transfer to a Com-
-pany elicited
equal disapprobation
from the people of
Mysore.
His Highness also
feels that just when
endeavours are being

62

made on all sides to assimilate the System of Administration in Mysore more and more with that of British India, the British Government should think it necessary that a course should be adopted which would imply a want of confidence in the Courts and Tribunals of the Mysore State. His Highness is grateful to the Government of India for the good opinion it entertains of his Administration, and for its willingness to continue his jurisdiction if such

continuance was not
productive of ad-
ministrative inconvenience from a legislature like
He believes that the
difficulties in the
way of securing a
uniformity of law and
procedure cannot
be insuperable; and
if his Excellency the
Viceroy in Council
thought his Highness
had merited the good
will of the British
Government, the
inconvenience ~~s~~ appre-
hended ~~by the Legislati~~
~~Department~~ could,
he believes, be easily
remedied in ~~the~~ way
~~suggested in paras 30~~
~~of his letter~~ or in
any other way that
may commend itself

to His Excellency the Viceroy

There are large British interests in Mysore, such as those of the Planters and the Gold Mining Companies, and His Highness believes that everything has been done to promote their convenience and safeguard their privileges, and His Highness entertains the firm hope that, should jurisdiction in the lands of the Mysore State Railway continue to vest in him, the exercise of such jurisdiction by his courts will ~~always be~~ be equally efficient and always be such as to promote public convenience advancement and Imperial interests in every possible way.

His Highness sincerely
feels that by the inter-
position of a British
jurisdiction in almost
every part of his territories, there
will be difficulties
placed in the way of
his Administration
and it is this view of
the question, more
than any apprehended
loss of prestige, that
has induced him
to make this further
appeal to the Govern-
ment of India.

Have
the honour
to be

Bol. 9-88-10

No 8
Encls: 1

Office of the Dewan of Mysore
Dated Bangalore, 28th Augt

33

Draft Submitted
In Consideration
orders - with Right
ions of the Chief Et.
7/8/91

CPM
20/8/91

To

The Resident in Mysore.

Sir

In continuation of my letter No 7 dated 24th August 1891 regarding jurisdiction within the lands of the Mysore State Railway, I have the honour, by direction of His Highness the Maharajah, to forward herewith an Extract from a Memorandum on the Subject by

1/2

Norwich Secy
All quotations
shd be compared
with the orig
Please have it fair copied
& sent thro for signature
in the course of the day
20/8/91

Foreign Office Letter No 1144 2. 8 9 & April 1872.

the judges of the Chief Court which has been received since my letter to you was despatched.

2. The Memorandeum will, H. H. hopes, be of some use as it deals with the legal questions involved; and explains the Status ~~and qualifications~~ of our Judges and Magistrates & their qualifications to administer a Railway Law.

3. Paras 17 and 18 of the Memorandum Contain a suggestion to this effect. that the Scope of the Schedule appended

appended to the
Extradition Act
may with advantage,
be enlarged so as
to include not only
Railway offences,
whose number will
always be very
small and ~~whose~~ their
nature insignificant
as a rule, but also
criminal breaches
of contract which
are numerous
and affect large
interests. Regarding
the latter class of
offences, the large
European Planting
Community in Mysore
~~have~~

and the Gold mining Companies
of Kolar all

~~have for several~~
~~years~~ bitterly
complained of the
want of reciprocity
in this matter
between Mysore
and the neighbouring
Districts of British
India. They are
practically without
a remedy, if a
person takes a
large advance
from them, wilfully
breaks his Contract
and escapes to
British India &.
There, as the Law
now stands, no

Mysor

Mysore process can touch him nor can the Darbar apply for his arrest and surrender to its Courts as "Criminal "breach of Contract "under Act XIII of "1859" is not included in the Schedule appended to the Extradition Act.

4. In letter from* the Under Secretary to the Govt of India in the Foreign Dept to the late Chief Commr of Mysore, No 84 dated Simla 25 June 1878, the question

* printed with Comm'rs Pro. of 23 Oct 1878

question of reciprocity
between Mysore
and British India
as regards Civil
and Criminal
processes was discussed
at some length.
Mr Sandford, the
late Judicial Commissioner
of Mysore "thought
"that an executive
order of Government
would suffice to
make the processes
of British Courts
respected in Mysore
but that Legislative
action would be
"necessary to obtain
"reciprocal treatment

"for Mysore processes
"in British Territory";
and he "doubted
"whether it would
"be equitable to
"enforce respect to
"the processes of
"British Courts in
"Mysore so long as
"reciprocity did
"not Exist". Both
Mr Saunders and
afterwards Sir James
Gordon ~~as~~ (Chief
Commrs of Mysore)
recommended that
Simultaneously ~~with~~
with the issue of
Executive orders,
directing the
Execution within

Mysore of all
British Indian
Criminal and Civil
processes, some
reciprocal System
should be established
under which Mysore
Civil and Criminal
processes would be
respected in British
India. On the
question of reciprocity
thus raised, the
Govt of India
observed as follows:-
"That It is doubtful
whether complete
reciprocity is attainable
without Legislative
action on the part

"of ~~the~~ Govt and
"~~the~~ the Governor
"General in Council
"Considers that under
"present Circumstances
"it is not desirable
"to resort to such
"action". The decision
of the Govt of India
in regard to all
Civil & Criminal
processes was therefore
as follows:-

"The processes of
"British Courts would
"be respected in
Mysore Exactly in
the same manner
as the processes of
Mysore Courts. The
processes of Mysore
Courts would be

respected

"respected in British
"India to the extent
"and in the manner
provided for by Act
XI of 1872 and by
the Civil Procedure Code,
the Service of Summonses
being ensured by
Executive orders"

5 The Chief Commissioner
by the Executive orders
Contained in his
Notifications Nos 111
and 112 of 23d July 1878)
gave effect to the
above decision of
the Govt of India;
in regard to the
Execution in Mysore
of Civil and Criminal

processes

processes of British India, by directing that they should be executed in Mysore as if they had been issued by the Civil and Criminal Courts in Mysore. These Notifications now find a place in the Mysore Statute Book.

6. In thus referring to the present state of the Law in British India under which Criminal processes in regard to Offences committed in Mysore can issue only under

under the Naturalization
Act, the object of the
Darbar is to submit
for the favorable
Consideration of the
British Government
the desirability of
conceding to Mysore
some measure of
reciprocity in the
matter of the execution
of its Criminal
processes within
British India. In
1878 the Govt of India
thought that it
was not desirable
under the then
existing circumstances
to resort to Legislation
for

for this purpose.
During the 13 years
which have since
elapsed great
changes have taken
place in the Condition
of the people of Mysore
and in their relations
with British India.
The Extension of the
Mysore State Railway,
the introduction of
the Imperial Post
with its Systems of
Money Orders, Insurance
Telegraphs &c., the
great development
which has taken
place in the Coffee
Industry, the rapidly
advancing Gold-Mining
Industry

under the Stimulating impetus ~~influence~~ of the permanent Settlement introduced by H H

for this purpose.
During the 13 years
which have since
elapsed great
changes have taken
place in the Condition
of the people of Mysore
and in their relations
with British India.
The Extension of the
Mysore State Railway
the introduction of
the Imperial Post
with its Systems of
Money Orders, Insuran
Telegraphs &c, the
great development
which has taken
place in the Coffee
Industry, the rapidly
advancing Gold-Mining
Industr

general progress of
the Country, have,
during these 13 years,
very largely widened
the relations between
Mysore and British
India as regards
Trade, employment
of labour &c. Thousands
of coolies from Malabar
and other British
Districts find
remunerative employment
on the Kolar Gold
Mines; large
numbers of South
and North Canara
coolies are employed
in the Malnad and
in the Coffee Districts;

Mysore

Mysore has a large Export and Import Trade with British Indian Districts; the British Capital invested in Mysore in Coffee and Gold Mines is daily increasing and already amounts to a very large Sum. Under such circumstances, if the British Govt can provide for the Execution of Mysore Criminal processes in British India by the British

Police and Magistracy,
public Convenience
will be very
materially enhanced
and important interests
including those of
the investors of British
Capital will receive
the help and encouragement
they so much need
at present. Such a
Concession in favor
of Mysore, though
unusual as regards
a Native State
will be justified
by the fact that in
Mysore (unlike in
other Native States)
all British processes
are under the orders
of

of 1878, executed as if they were issued by the Courts of the State.

7. I may perhaps be permitted to add that any objection to such an arrangement arising from the present state of the Law in British India, is capable of being remedied by a small Legislative measure.

8 If I may be permitted to submit still another observation I would state that a Concession such as the one in question will of course be enjoyed by

Mysore

Mysore, only on the
condition of its
Judicial Administration
being maintained
in every respect in
accordance with
the British Indian
Standard. Such a
Conditional Concession
will have the effect
of stimulating other
Native States in
strieving to improve
their laws and
Judicial Administration
so as to entitle them
to apply for similar
Concessions to
themselves and it will in itself
would be in
itself

itself an important
step towards that
unification of Law
and Administration
of justice so essential
to the advance which
India as a whole
is making year
after year under
British Rule and
Protection

I have seen..

28/8/21

Dewan

Pol. 9-88-11 (3

No. 1142
479-8

From

General Sir H.N.D.Prendergast, K.C.B., V.C., R.E.,
The RESIDENT IN MYSORE.

To

V.Sheshadri Iyer Esquire, C.S.I.,

Dewan of Mysore,

Bangalore.

Dated Bangalore, 9th April 1892.

Sir,

With reference to correspondence ending with your letter No. 7 dated the 24th. August 1891, I have the honor to state that the Government of India thank the Maharaja for the loyal assuranc contained in the 2nd. paragraph of your letter of 24th. August 18 and that after giving the matter the most attentive consideration they feel unable to make an exception in favor of Mysore in this matter. The principle which requires a cession of Railway jurisdi tion in all cases, except on isolated local lines, is a principle from which the Government cannot depart. The inconveniences which must follow an attempt to apportion Railway jurisdiction in diff rent States according to the comparative efficiency of the State administration are too great and obvious to be undertaken. The Government of India willingly admit that if any State in Indi could be exceptionally treated without grave inconvenience they would be disposed to look with favor on the request of the Maha - raja of Mysore, but as matters stand they must decline to reco

From the Lawrence No 1687 of 18th Aug 1892.
To the Lawrence No 13 Encl 1 of 10th June 1892.

their former decision, and they feel confident that His Highness will now

cept that decisio. with the loyalty a.d good will of which he has given so

y proofs.

I have the honor to be,

Sir,

Your most obedient servant,

[signature] Sherard, R.E.,

Resident.

Pol. 9-1888-12

(37)

No. 1167
479·8.

From,

The First Assistant to the
Resident in Mysore.

To,

The Dewan of
Mysore.

Dy Bangalore, 12 April 1892.

Sir,

I am directed to refer you to paragraphs 17 and 18 of the Memorandum recording the opinion of the Judges of the Chief Court on the Railway jurisdiction in Mysore, and to ask that the Resident may be favored with a full explanation of the wish of the Durbar with reference to the inclusion in the Schedule of the

Extradition Act (Act XXI of 1879)
of the particular offences referred to
in those paragraphs and affecting the
European Coffee Planters.

2. While suggesting remedies for the
grievances of the Coffee planters in this
direction, the Resident is of opinion that
any proposed alteration or addition to
the Extradition Act might be so framed
as also to be applicable to the case of
European Gold Miners.

3. I am to ask that the objects
and reason for the proposals, and a draft
of alterations and additions to the particular
Section and Schedule in the Act, may
be submitted with your reply.

I have &c

Sd/ C. W. Ravenshaw

1st Asstt to the Resident

Compd

Submitted to the Senate
for the record today
& ordered printed.
Thos. [illegible]

The original
of this has been
handed to Secretary
Lee 7

Thos
13/4

Vol. 9-88-13

No. 1680
479·8

2079/124

From

The FIRST ASSISTANT to the RESIDENT in MYSORE.

To

The Dewan of Mysore

Dated Bangalore, 18th May 189.

Sir,

I am directed to refer y
to this office letter No. 1142 da
the 9th April 1892 regardin
Cession of Railway Jurisdicti
in Myeare, and to ask that a
formal Communication ced
full jurisdiction on the Rai
in Myeare to the British Gover
=nment may be submitted at
early date.

I have the honour to be
Sir,
Your most obedient ser

First Assistant Resident

Letter Issue No 13 of 10th June 1892.

Vol. 9-88-13

No. 1680
479-8

2079/124

(38)

From

The FIRST ASSISTANT to the RESIDENT in MYSORE.

To

The Dewan of Mysore

Dated Bangalore, 18th May 1892

Sir,

I am directed to refer yo
to this office letter No. 1142 dat
the 9th April 1892 regarding
Cession of Railway Jurisdictio
in Mysore, and to ask that th
formal Communication cedin
full jurisdiction over the Rail
in Mysore to the British Gover
=ment may be submitted at o
early date.

I have the honour to be

Sir,

Your most obedient ser

Acting Dewan

First Assistant Resida

Letter Cancelled vide 13/9 10th June 1892

Pol-9-(50 88-14) GENERAL STAFF

Office of the Dewan of Mysore
Dated Camp Mysore, 10th June 1892

No. 13
Encls: 1.

(40)

Lol: P. D. Henderson C.S.I
Resident in Mysore.

Sir,

H.H. His Highness the Maharajah directs me to acknowledge the receipt of General Sir Harry Prendergast's letter No. 1142/479.8 dated 9th April 1892 regarding the cession of jurisdiction over the Mysore State Railway and to state that you are doubtless aware, from the previous correspondence on the subject of the strong feeling H.H. entertains on the question, you can therefore readily

realize with how much
regret he has received the
views of the Government
of India communicated
in the letter under reference.
But, as His Highness is now
required to surrender the
jurisdiction, he has directed
the issue of a Notification,
copy of which I beg to enclose
herein for your information.

2. I am to add that this
Notification refers only to
the State Railway from
Hd Caribar to Bangalore at
which latter place it joins
the Madras Railway and
will soon join the Guntakal
- Kindapur line. The section
from Bangalore to Mysore
and on to Nanjanadde is
excluded from it under the

belief that it is an isolated
local
line" coming within the principle
laid down in your office letter
of 9th April 1892, and in the
hope that similar local
lines such as those proposed
to Shimoga, Hassan and
Chikmaglur will be likewise
allowed to be excluded.

I have &c

/Signed/ M. Sheshadrigyr

His Highness the Maharajah has been pleased to transfer to the Governor General in Council with effect from 1st July 1942 full jurisdiction on all lands occupied by the Mysore State Railway from & inclusive of the Harihar Railway Station, to and inclusive of the Bangalore Railway Station including lands occupied as Stations, out buildings and their appurtenances.

The Hon'ble the Resident has been informed vide his letter dated 18/5/42

Pol 9-88 15 (427) Sl. 15

No. 31. Telegram from the Resident dated June 1892, asking that the publication of the Notification forwarded with letter No. 13 dated 10th Idem may be deferred pending a further Communication on the Subject from the Residency -

[Note. Upon the receipt of the above Telegram ~~or~~ the Dewan, on 13th June 1892, ordered that the publication of the said Notification be held in abeyance until further orders]

SUBMITTED FOR

HIS HIGHNESS' ORDERS.

I beg to submit herewith the accompanying printed file relating to Railway jurisdiction. Nos 32 & 33 on this file (pp 48 & 49) now received from the Residency require disposal.

No. 33. The information called for in this is about the present strength of the Railway Police, in view to the transfer of the force to the Residency. I have called for this information from the Inspector General & on receipt will forward it to the Resident. It is proposed I understand to attach the Railways to the C & M. Station for purposes of administration Hd. Quarters at Bangalore—

No. 32. It is now proposed to issue the necessary notification a draft of which formed an enclosure to

[illegible]

the following additions:-

" and from inclusive of Tubedars
" Chattram & the Mysore
" frontier on the Bangalore
" Hindupore Railway,
" and the whole of
" the Kolar Gold Fields
" Branch of the Madras
" Railway from inclusive of The Kolar
" Road Station to
" inclusive of the Briyapa
" Station.

26/3/98

(46)

Transfer of Jurisdiction

The accompanying file which contains the last orders of the Govt of India (Vide W-32) will be circulated to Councillors for info.

There is nothing more to be said & I am issuing the notifn as desired transferring jurisdiction from Bangalore to Haricha on one side & to the Hindupur frontier on the other.

Bangalore & Nanjangode (minus the Bangalore State) remains with us.

3/4/93.

Seen
CPS
6/4/93.

Office of the Dewan of Mr.

Vol
9-88-16

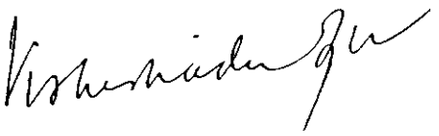
(4)

Notification.

The 3rd April 1893.

His Highness the Maharaja has been pleased to transfer to the Governor General in Council, with effect from 1st July 1893, full jurisdiction on all lands occupied by the Mysore State Railway, from and inclusive of the Hariharr Railway Station to and inclusive of the Bangalore Railway Station and from and inclusive of the yesvantpur junction Railway Station to the frontier of the State on the Bangalore - Hindupur Section of the Mysore State Railway, including lands occupied as Stations out-buildings and their appurtenances

Appurtenances.



Notification by the Govt. of His Highness the Maharaja of Mysore.

GENERAL.

NOTIFICATION.

The 3rd April 1893.

No. 16453—G. 4019—His Highness the Maharaja has been pleased to transfer to the Governor General in Council, with effect from 1st July 1893, full jurisdiction on all lands occupied by the Mysore State Railway, from and inclusive of the Harihar Railway Station to and inclusive of the Bangalore Railway Station and from and inclusive of the Yesvanthpur Junction Railway Station to the frontier of the State on the Bangalore-Hindupur Section of the Mysore State Railway, including lands occupied as stations, out-buildings and their appurtenances.

"By Order,"

K. SHESHADRI IYER,
Dewan.

Vol 9-88-17

48)

To

The Resident in Mysore

Sir, I have the honor to inform you that, in ~~the~~ Compliance with the request contained in 1st Asst Resident's letter No 985-~~S~~ 479.88 of 21 March 1898, H.H. the Maharaja has ~~the Durbar have~~ this d. issued the Notification a Copy of which is herein Enclosed, transferring ~~full jurisdiction to the British Govt~~ to H.E. the Govt Genl in Council, with Effect from 1st July 1898, full jurisdiction ~~on the Mysore State State Rly~~ ~~from Bangalore to Harihar and from Bangalore on the~~ on the Lands Le occupied by the following sections of the Mysore State Railway

i Bangalore to Harihar

& ii " Yesvantpur Junction to the frontier on the Bangalore Hindupur line —

I have &c.

by — S. G.

Printing
~~Draft~~ with the request to D.W.W. (Genl & Rail Cs.) —
Chief Ct.
Insp Genl Police —
& D.Cs.

by

From

Sir K. Sheshadri Iyer, K.C.S.
Dewan of Mysore

To

Colonel J. D. Henderson, C.S.I.
Resident in Mysore.

Sir,

I have the honour to inform you that, in compliance with the request contained in First Assistant Resident's letter No. 985 — 479. 88, dated 21st — March 1893, His Highness the Maharaja has this day issued a Notification, a copy of which is herein enclosed, transferring to His Excellency the Governor General in Council with

Revised Draft
Pol 4-88-17
No. 31

Office of the Dewan of Mysore
Dated Bangalore,
4th April 1893.

(48)

From

Sir K. Sheshadri Iyer, K.C.S.I.,
Dewan of Mysore

To

Colonel J. D. Henderson, C.S.I.,
Resident in Mysore.

Sir,

I have the honour to inform you that, in compliance with the request contained in First Assistant Resident's letter No. 985—479-88, dated 21st March 1893, His Highness the Maharaja has this day issued a Notification, a copy of which is herein enclosed, transferring to His Excellency the Governor General in Council with

with Effect from 1st July 1893, full jurisdiction on the lands occupied by the following sections of the Mysore State Railway: —

(i) Bangalore to Harihar
and (ii) Gevrauthpur Junction to the frontier on the Bangalore - Hindupur line.

I have the honour to be,
Sir,
Your most Obedient Servant

K Sheshadri Iyer
Dewan of Mysore.

eg, suggest the advisability of [illegible] a note [illegible] as [illegible] describing the way in which the jurisdiction transfer will be for the present exercised by the Officers appd. by H.E. the Viceroy,

and Specifying in the Notice
that all Members (not being E. B. Subjects)

of the said Railway lines
~~two questions~~

& that further all Civil

said Railway lines,
in the same manner as if the said
Railway lines formed a part of the assigned tract
of the C & M. Station of Bangalore "
I beg further to suggest the advisability
of designating the Entire tract including
the C & M Station & the said Railway lines
by a Common name such as the
" Assigned Tract " or the " Mysore Assigned
Tract ", ~~for purposes of Convenience~~
for purposes of Convenience

Such a notice will serve
effectually to remove apprehensions
of inconvenience which are
entertained in some quarters

4 C 17

Fair Draft (Final)

No. 31.

Office of the Dewan of Mysore
Dated Bangalore, 4th April 1893.

48

From

Sir K. Sheshadri Iyer, K.C.S.I.,
Dewan of Mysore

To

Colonel J. D. Henderson, C.S.I.,
Resident in Mysore.

From the same No. 1884 / 479-88 8 S—4th June 93

Sir,

I have the honour to inform you that, in compliance with the request contained in First Assistant Resident's letter No. 985—479-88, dated 21st March 1893, His Highness the Maharaja has directed the issue of a Notification, a copy of which is herein enclosed transferring to His Excellency the Governor General in Council, with Effect

from 1st July 1893, full jurisdiction on the lands now occupied by the following sections of the Mysore State Railway:—

(i) Bangalore to Hariher
And (ii) Gevaravanthpur Junction to the frontier on the Bangalore Hindupur line.

I beg to suggest the advisability of a Notification from yourself (simultaneously with the publication by the Durbar of the above mentioned transfer) ~~and~~ describing the way in which the jurisdiction transferred will be for the present exercised by the officers appointed by His Excellency the Viceroy and Specifying in particular that all

offenders

offenders (not being European British Subjects) against the laws of the Mysore State who, having taken refuge within the limits of the said Railway lines, may be found within such limits, shall be given up to the Mysore ~~Government~~ authorities in order to be dealt with in due course of law and that further all Civil, Criminal and Revenue Processes issued by Courts and Officers of the State of Mysore shall be duly executed within the said Railway lines in the same manner as if the said Rail-way lines formed a part of the assigned tract of the Civil and Military Station of Bangalore. Such a

Notifica-

comparison will serve effectually to remove apprehensions & inconvenience which are entertained in some quarters.

I beg further to suggest the advisability of designating the entire tract including the Civil and Military Station and the said Railway lines by a common name, such as the "Assigned Tract" or the "Mysore Assigned Tract" for purposes of convenience.

I have the honour to be,
Sir,
Your most obedient Servant
(Sd) K. Sheshadri Iyer
Dewan of Mysore.